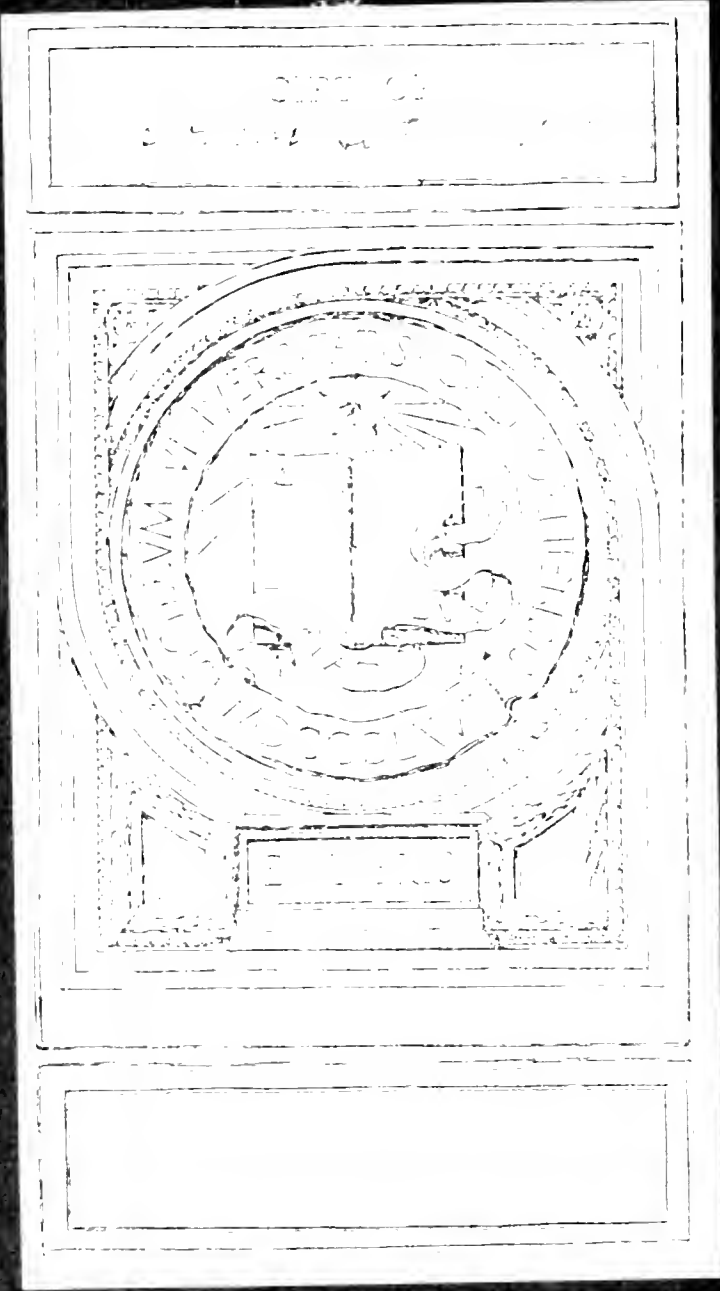


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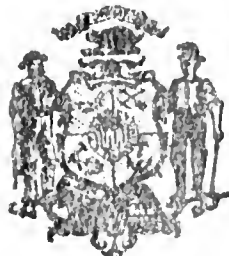
OF WISCONSIN

WITH FORMS

COMPILED JANUARY, 1914

JOHN S. DONALD

Secretary of State

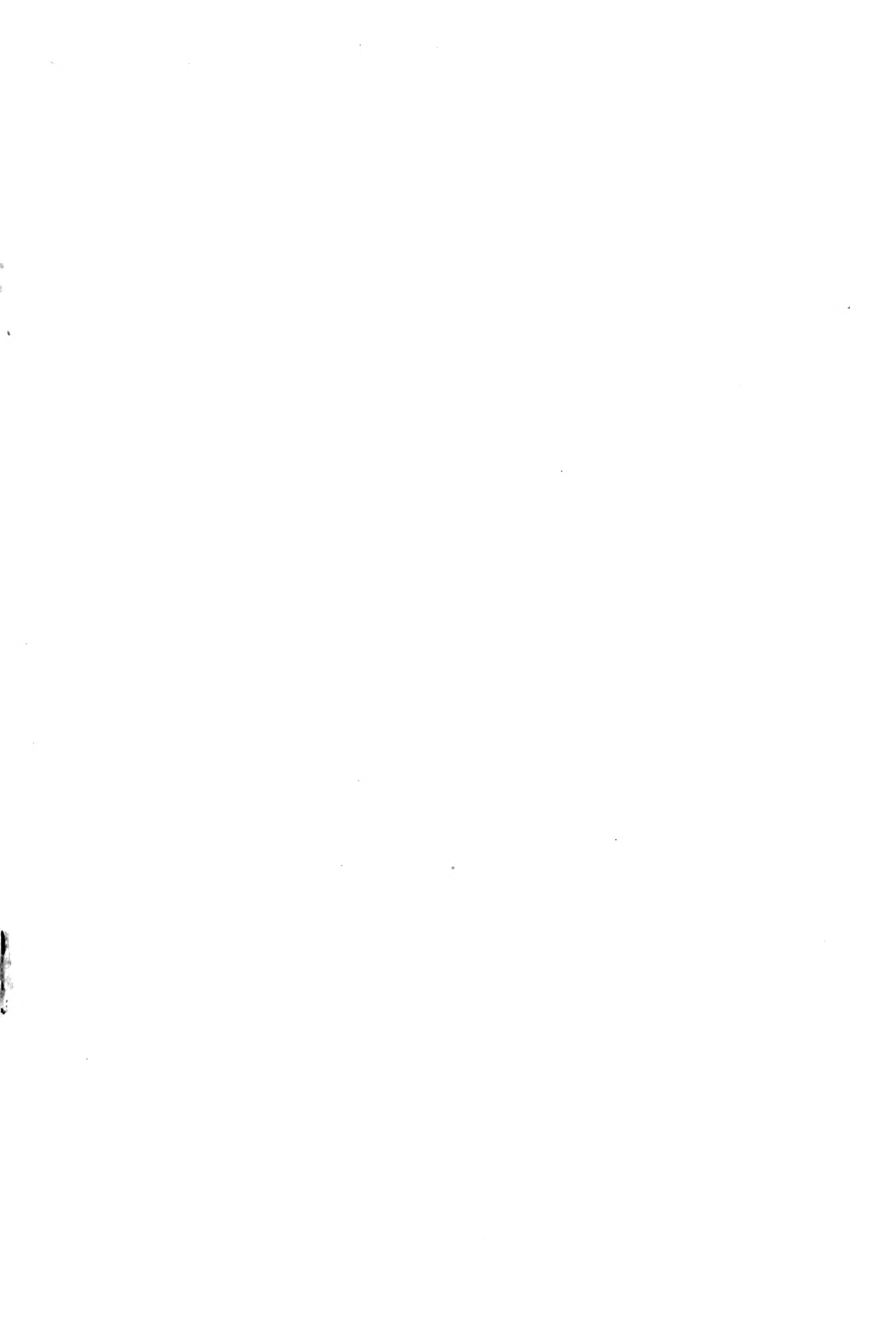


MADISON, WISCONSIN

DEMOCRAT PRINTING COMPANY, STATE PRINTER

1914





ELECTION LAWS

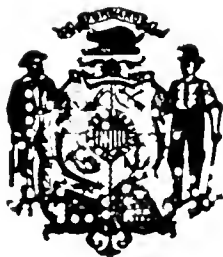
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PREFACE

This pamphlet is a reprint of chapter 3 to 8m of the Wisconsin Statutes of 1913 and parts of other chapters as are usually contained in the compilation of election laws. The fact that the greater portion of this pamphlet was printed from the plates of the statutes, thereby saving a considerable cost in composition, press work and paper, necessarily changed the style. All citations in the table of contents and index are to section numbers unless otherwise stated. The naturalization laws, rules and regulations can be obtained from the Bureau of Naturalization, Washington, D. C. Miscellaneous forms for elections are printed immediately preceding the index. Other forms will be furnished by this department.

JOHN S. DONALD,

Secretary of State.

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ELECTION LAWS OF WISCONSIN.

CONSTITUTIONAL PROVISIONS.

Who not qualified electors. a. Article 3, Section 2. No person under guardianship, non compos mentis, or insane, shall be qualified to vote at any election; nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

Votes to be by ballot. Article 3, Section 3. All votes shall be given by ballot, except for such township officers as may by law be directed, or allowed to be otherwise chosen.

Residence not lost when. Article 3, Section 4. No person shall be deemed to have lost his residence in this state, by reason of his absence on business of the United States, or of this state.

Who not residents. Article 3, Section 5. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this state in consequence of being stationed within the same.

Who may be excluded from right of suffrage. Article 3, Section 6. Laws may be passed excluding from the right of suffrage all persons who have been or may be convicted of bribery or larceny, or of any infamous crime, and depriving every person who shall make, or become directly or indirectly interested in, any bet or wager depending upon the result of any election, from the right to vote at such election.

Members of assembly. Article 4, Section 4. The members of the assembly shall be chosen biennially, by single districts, on the Tuesday succeeding the first Monday of November after the adoption of this amendment, by the qualified electors of the several districts, such districts to be bounded by county, precinct, town or ward lines, to consist of contiguous territory and be in as compact form as practicable.

State senators. Article 4, Section 5. The senators shall be elected by single districts of convenient contiguous territory, at the same time and in the same manner as members of the assembly are required to be chosen; and no assembly district shall be divided in the formation of a senate district. The senate districts shall be numbered in the regular series, and the senators shall be chosen alternately from the odd and even numbered districts. The senators elected or holding over at the time of the adoption of this amendment shall continue in office till their successors are duly elected and qualified; and after the adoption of this amendment all senators shall be chosen for the term of four years.

Qualifications of members. Article 4, Section 6. No person shall be eligible to the legislature who shall not have resided one year within the state, and be a qualified elector in the district which he may be chosen to represent.

Ineligibility to office. Article 4, Section 12. No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the state which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Who ineligible. Article 4, Section 13. No person being a member of congress, or holding any military or civil office under the United States, shall be eligible to a seat in the Legislature; and if any person shall, after his election as a member of the legislature, be elected to congress, or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

Governor; lieutenant governor; eligibility. Article 5, Section 2. No person except a citizen of the United States and a qualified elector of the state shall be eligible to the office of governor or lieutenant-governor.

Election. Article 5, Section 3. The governor and lieutenant-governor shall be elected by the qualified electors of the state at the times and places of choosing mem-

bers of the legislature. The persons respectively having the largest number of votes for governor and lieutenant-governor shall be elected; or, in case two or more shall be equal and the largest number of votes for governor or lieutenant-governor, the ties shall be decided at the next and biennial session, shall forthwith, by ballot, choose one of the persons so having an equal and the largest number of votes for governor or lieutenant-governor. The returns of election for governor and lieutenant-governor shall be made in such manner as shall be provided by law.

State officers: election. Article 6, Section 1. There shall be chosen by the qualified electors of the state, at the times and places of choosing the members of the legislature, secretary of state, treasurer and attorney-general, who shall severally hold their offices for the term of two years.

Sheriffs. Article 6, Section 4. Provides that sheriffs shall hold no other office, and be ineligible for two years next succeeding the termination of their offices.

Supreme and circuit judges. Article 7, Section 7. For each circuit there shall be chosen by the qualified electors thereof one circuit judge, except that in any circuit composed of one county only, which county shall contain a population, according to the last state or United States census, of one hundred thousand inhabitants or over, the legislature may, from time to time, authorize additional circuit judges to be chosen. Every circuit judge shall reside in the circuit from which he is elected, and shall hold his office for such term and receive such compensation as the legislature shall prescribe.

Art. 7, Sec. 10, provides that judges of the supreme and circuit courts "shall hold no office of public trust, except a judicial office, during the term for which they are respectively elected, and all votes for either of them for any office, except a judicial office, given by the legislature or the people, shall be void."

State superintendent: election: term. Article 10, Section 1. The supervision of public instruction shall be vested in a state superintendent and such other officers as the legislature shall direct; and their qualifications, powers, duties and compensation shall be prescribed by law. The state superintendent shall be chosen by the qualified electors of the state at the same time and in the same manner as members of the supreme court, and shall hold his office for four years from the succeeding first Monday in July. The state superintendent chosen at the general election in November, 1902, shall hold and continue in his office until the first Monday in July, 1905, and his successor shall be chosen at the time of the judicial election in April, 1905. The term of office, time and manner of electing or appointing all other officers of supervision of public instruction shall be fixed by law.

Duelists. Article 13, Section 2. Any inhabitant of this state who may hereafter be engaged, either directly or indirectly in a duel, either as principal or accessory, shall forever be disqualified as an elector, and from holding any office under the constitution and laws of this state, and may be punished in such other manner as shall be prescribed by law.

Who ineligible to office. Article 13, Section 3. No member of congress, nor any person holding any office of profit or trust under the United States (postmasters excepted) or under any foreign power, no person convicted of any infamous crime in any court within the United States, and no person being a defaulter to the United States, or to this state, or to county or town therein, or to any state or territory within the United States, shall be eligible to any office of trust, profit or honor in this state.

113.06 Judicial circuits. The state is divided into twenty judicial circuits, numbered and comprising the county or counties, respectively, as specified in the subsequent paragraphs of this section. The terms of the circuit courts for the several circuits begin, unless the judge, by order, designates some other hour, at ten o'clock in the forenoon, or as soon thereafter as the judge directs, of the days in each year specified as follows:

First Circuit. In the county of Walworth on the second Monday in February and the third Monday in September; in the county of Racine on the second Monday in April and the third Monday in November; in the county of Kenosha on the second Monday in March and the second Monday in October.

Second Circuit. In the county of Milwaukee on the first Monday in January, April, July and October.

Third Circuit. In the county of Calumet on the third Monday in March and the first Monday in October; in the county of Winnebago on the second Monday of January, the second Monday of April and the second Monday of September.

Fourth Circuit. In the county of Sheboygan on the second Monday in April and the third Monday in September; in the county of Manitowoc on the first Tuesday after the second Monday in January and the first Tuesday after the first Monday in June.

Fifth Circuit. In the county of Grant on the third Monday in February and the second Monday in October; in the county of Iowa on the fourth Monday in March and the fourth Monday in September; in the county of La Fayette on the first Monday in June and the first Monday in December; in the county of Richland on the second Tuesday in April and the second Tuesday in September; in the county of Crawford on the second Tuesday before the first Monday in June and the third Tuesday in November.

Sixth Circuit. In the county of La Crosse on the second Monday in January, the second Monday in May and the second Monday in November; in the county of Monroe on the first Monday in March and the first Monday in October; in the county of Trempealeau on the third Monday in March and the fourth Monday in September; in the county of Vernon on the second Monday in April and the third Monday in October.

Seventh Circuit. In the county of Portage on the first Monday in May and the first Monday in December; in the county of Waupaca on the first Monday in June and the first Monday in November; in the county of Waushara on the third Monday in April and the third Monday in September; in the county of Wood on the second Monday in March and the first Monday in October.

Eighth Circuit. In the county of Buffalo on the third Monday in February and the fourth Monday in October; in the county of Dunn on the second Monday in March and the second Monday in September; in the county of St. Croix on the fourth Monday in March and the fourth Monday in September; in the county of Pepin on the third Monday in April and the third Monday in October; in the county of Pierce on the second Monday of May and the third Monday of November.

Ninth Circuit. In the county of Dane on the second Monday in January, the third Monday in April and the second Monday in September; in the county of Sauk on the first Monday in March, and the second Monday in September.

Tenth Circuit. In the county of Langlade on the second Monday in April and the first Monday in October; in the county of Outagamie on the first Monday in March and the third Monday of September; in the county of Shawano on the second Monday of May and the second Monday in November.

Eleventh Circuit. In the county of Burnett on the third Monday of March and the first Monday of October; the county of Polk on the third Monday of April and the first Monday of November; in the county of Barron on the first Monday of May and the third Monday of November; in the county of Washburn on the first Monday of April and the third Monday of October; in the county of Douglas on the first Monday of February and the fourth Monday of August.

Twelfth Circuit. In the county of Jefferson on the first Monday of February and the second Monday of September; in the county of Green on the third Monday of February and the first Monday of October; and in the county of Rock on the first Monday of March and the third Monday of October.

Thirteenth Circuit. In the county of Washington on the third Monday in October and March; in the county of Ozaukee on the first Monday in September and March; in the county of Dodge on the fourth Monday in September and the second Monday in February; in the county of Waukesha on the first Monday in December and the first Monday in May.

Fourteenth Circuit. In the county of Door on the first Tuesday in September and the second Tuesday in March; in the county of Brown on the second Monday in January, the second Monday in April and the second Monday in October; and the jury at each of said terms shall not be called until the second day of the term; in the county of Kewaunee on the third Monday in May and the first Monday in December.

Fifteenth Circuit. In the county of Ashland on the second Monday in April and on the second Monday in September; in the county of Bayfield on the fourth Monday in May and the third Monday in October; in the county of Iron on the second Monday in June and the first Monday in December; in the county of Price on the second Monday in May and the third Monday in November; in the county of Taylor on the third Monday in March and the fourth Monday in August.

Sixteenth Circuit. In the county of Marathon on the second Monday of May and the first Monday succeeding the last Thursday of November; in the county of Lincoln on the first Monday after the first Tuesday in April, and the fourth Monday in October; in the county of Oneida on the first Monday of March and the fourth Monday of September; in the county of Vilas on the third Monday of January and the second Monday in June.

Seventeenth Circuit. In the county of Jackson, on the second Monday in April and on the second Monday in October; in the county of Clark on the third Monday in May and on the fourth Monday in November; in the county of Juneau on the fourth Monday in April and on the fourth Monday in October.

Eighteenth Circuit. In the county of Fond du Lac on the first Monday in May and the first Monday in November; in Green Lake county on the third Monday in January and the first Monday in June; in the county of Marquette on the second Tuesday in March and on the first Tuesday in October; in the county of Columbia on the first Monday in April and the first Monday in December; in the county of Adams on the third Monday in September and the fourth Monday in March.

Nineteenth Circuit. In the county of Rusk on the fourth Monday in February and the third Monday in October; in the county of Sawyer on the first Monday in June and the second Monday in December; in the county of Chippewa on the third Monday in April and the third Monday in November; in the county of Eau Claire on the third Monday in March and the third Monday in September.

Twentieth Circuit. In the county of Marinette on the second Monday in January, the first Monday in May and the first Monday in October; in the county of Oconto on the first Monday in February, the first Monday in June and the first Monday after the first Tuesday in November; in the county of Florence on the fourth Monday in March and the first Monday in September; in the county of Forest on the second Tuesday in April and on the third Tuesday of September.

CHAPTER 3.

OF CONGRESSIONAL DISTRICTS.

Congressional districts. SECTION 9. Until otherwise provided by law, the state is divided into eleven congressional districts, each of which shall be entitled to elect one representative in the congress of the United States.

The counties of Racine, Kenosha, Walworth, Rock and Waukesha shall constitute the first district.

The counties of Jefferson, Columbia, Dodge, Washington, Ozaukee and Sheboygan shall constitute the second district.

The counties of Crawford, Richland, Grant, Iowa, Dane, La Fayette and Green shall constitute the third district.

The third, fourth, fifth, eighth, eleventh, twelfth, fourteenth, sixteenth, seventeenth, twenty-third and twenty-fourth wards of the city of Milwaukee, together with the following subdivisions of Milwaukee county: Town of Wauwatosa, city of Wauwatosa, town of Greenfield, town of Franklin, city of West Allis, village of West Milwaukee, city of South Milwaukee, town of Oak Creek, town of Lake and city of Cudahy shall constitute the fourth district.

The first, second, sixth, seventh, ninth, tenth, thirteenth, fifteenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-fifth wards of the city of Milwaukee, together with the following subdivisions of Milwaukee county: Village of North Milwaukee, village of East Milwaukee, village of Whitfish Bay, town of Granville and town of Milwaukee shall constitute the fifth district.

The counties of Marquette, Green Lake, Fond du Lac, Winnebago, Calumet and Manitowoc shall constitute the sixth district.

The counties of La Crosse, Jackson, Monroe, Clark, Vernon, Juneau, Adams and Sauk shall constitute the seventh district.

The counties of Marathon, Portage, Waupaca, Waushara, Wood and Shawano shall constitute the eighth district.

The counties of Langlade, Forest, Florence, Marinette, Oconto, Outagamie, Brown, Kewaunee and Door shall constitute the ninth district.

The counties of Dunn, Barron, Chippewa, Eau Claire, Trempealeau, Buffalo, Pepin, Pierce and St. Croix shall constitute the tenth district.

The counties of Douglas, Bayfield, Ashland, Iron, Vilas, Burnett, Polk, Washburn, Sawyer, Rusk, Price, Taylor, Oneida and Lincoln shall constitute the eleventh district.

[1911 c. 661]

CHAPTER 4.

OF SENATE AND ASSEMBLY DISTRICTS.

Senate districts. SECTION 10. Until there shall be a new apportionment, the senatorial districts of this state shall be constituted as follows: The counties of Kewaunee, Door and Marinette shall constitute the first district.

The counties of Brown and Oconto shall constitute the second district.

The counties of Racine and Kenosha shall constitute the third district.

The thirteenth, eighteenth, twenty-first and twenty-fifth wards of the city of Milwaukee, the village of East Milwaukee, the village of Whitefish Bay, the village of North Milwaukee, the town of Granville and the town of Milwaukee shall constitute the fourth district.

The fifteenth, sixteenth, nineteenth, twentieth and twenty-second wards of the city of Milwaukee, the city of Wauwatosa and the town of Wauwatosa shall constitute the fifth district.

The sixth, seventh, ninth and tenth wards of the city of Milwaukee shall constitute the sixth district.

The fourteenth, the seventeenth and the twenty-fourth wards of the city of Milwaukee, the city of Cudahy, the village of West Milwaukee, the city of West Allis, the city of South Milwaukee, the town of Oak Creek, the town of Franklin, the town of Greenfield and the town of Lake shall constitute the seventh district.

The fifth, eighth, eleventh, the twelfth and twenty-third wards of the city of Milwaukee shall constitute the eighth district.

The first, second, third and fourth wards of the city of Milwaukee shall constitute the ninth district.

The counties of St. Croix, Pierce, Pepin and Buffalo shall constitute the tenth district.

The counties of Douglas, Washburn and Burnett shall constitute the eleventh district.

The counties of Ashland, Bayfield, Sawyer, Rusk and Price shall constitute the twelfth district.

The counties of Dodge and Washington shall constitute the thirteenth district.

The counties of Outagamie and Shawano shall constitute the fourteenth district.

The counties of Manitowoc and Calumet shall constitute the fifteenth district.

The counties of Grant, Crawford and Richland shall constitute the sixteenth district.

The counties of Green, La Fayette and Iowa shall constitute the seventeenth district.

The counties of Fond du Lac and Green Lake shall constitute the eighteenth district.

The county of Winnebago shall constitute the nineteenth district.

The counties of Sheboygan and Ozaukee shall constitute the twentieth district.

The counties of Waushara, Adams, Juneau and Marquette shall constitute the twenty-first district.

The counties of Rock and Walworth shall constitute the twenty-second district.

The counties of Waupaca and Portage shall constitute the twenty-third district.

The counties of Clark and Wood shall constitute the twenty-fourth district.

The counties of Langlade and Marathon shall constitute the twenty-fifth district.

The county of Dane shall constitute the twenty-sixth district.

The counties of Columbia and Sauk shall constitute the twenty-seventh district.

The counties of Eau Claire and Chippewa shall constitute the twenty-eighth district.

The counties of Dunn, Barron and Polk shall constitute the twenty-ninth district.

The counties of Taylor, Iron, Vilas, Oneida, Lincoln, Forest and Florence shall constitute the thirtieth district.

The counties of Jackson, Monroe and Vernon shall constitute the thirty-first district.

The counties of La Crosse and Trempealeau shall constitute the thirty-second district.

The counties of Waukesha and Jefferson shall constitute the thirty-third district.

[1911 c. 661]

Assembly districts. SECTION 11. Until there shall be a new apportionment, the members of the assembly shall be apportioned among the several districts of the state as hereinafter mentioned, and each district shall be entitled to elect one member of the assembly.

The counties of Ashland, Barron, Bayfield, Calumet, Chippewa, Clark, Columbia, Crawford, Door, Dunn, Eau Claire, Green, Green Lake, Iowa, Jackson, Juneau, Kenosha, Kewaunee, La Fayette, Langlade, Lincoln, Marinette, Monroe, Oconto, Ozaukee, Pierce, Polk, Portage, Price, Richland, Sauk, Shawano, St. Croix, Taylor, Trempealeau, Vernon,

Walworth, Wood, Waupaca, Waushara and Washington shall each constitute an assembly district.

The counties of Adams and Marquette shall constitute an assembly district.

The counties of Rusk and Sawyer shall constitute an assembly district.

The counties of Buffalo and Pepin shall constitute an assembly district.

The counties of Burnett and Washburn shall constitute an assembly district.

The counties of Forest, Florence and Oneida shall constitute an assembly district.

The counties of Iron and Vilas shall constitute an assembly district.

BROWN COUNTY.—The towns of Ashwaubenon, Howard, Pittsfield, Suamico, the city of Green Bay, and that part of Pulaski village within the county of Brown shall constitute the first assembly district of Brown county.

The towns of Allouez, Bellevue, Deperre, Eaton, Green Bay, Hobart, Humbolt, Preble, Holland, Glenmore, Morrison, Lawrence, New Denmark, Rockland, Wrightstown, Scott, the village of Wrightstown and the city of Deperre shall constitute the second assembly district of Brown county.

DANE COUNTY.—The towns of Blooming Grove, Dunn, Madison, Pleasant Springs, the city of Madison and the village of Fair Oaks shall constitute the first assembly district of Dane county.

The towns of Albion, Bristol, Burke, Cottage Grove, Christiana, Deerfield, Dunkirk, Medina, Sun Prairie, Windsor, Westport, York, the villages of Cambridge, Deerfield, De Forest, Marshall, Sun Prairie, Wausaukee and the city of Stoughton shall constitute the second assembly district of Dane county.

The towns of Black Earth, Berry, Blue Mounds, Cross Plains, Dane, Fitchburg, Mazomanie, Middleton, Montrose, Oregon, Primrose, Perry, Roxbury, Rutland, Springfield, Springdale, Vienna, Vermont, Verona, the villages of Black Earth, Dane, Middleton, Oregon, Mazomanie, Belleville, Mount Horeb, and that part of the village of Brooklyn within the county of Dane shall constitute the third assembly district of Dane county.

DODGE COUNTY.—The towns of Ashippun, Clyman, Emmett, Herman, Hubbard, Hustisford, Lebanon, Leroy, Lomira, Rabicon, Shields, Theresa, Williamstown, the fifth ward of the city of Watertown, the sixth ward of the city of Watertown, the villages of Hustisford, Lomira, Neosho, Theresa, the cities of Horicon and Mayville shall constitute the first assembly district of Dodge county.

The towns of Beaver Dam, Burnett, Calamus, Chester, Elba, Fox Lake, Lowell, Oak Grove, Portland, Trenton, Westford, the villages of Fox Lake, Lowell, Reeseville, the east ward of the village of Randolph, the first ward of the city of Waupun, the second ward of the city of Waupun, the third ward of the city of Waupun, the fourth ward of the city of Waupun, the cities of Juneau and Beaver Dam shall constitute the second assembly district of Dodge county.

DOUGLAS COUNTY.—The third ward of the city of Superior, the fourth ward of the city of Superior, the fifth ward of the city of Superior, the sixth ward of the city of Superior and the seventh ward of the city of Superior shall constitute the first assembly district of Douglas county.

The towns of Amnicon, Bennett, Brule, Gordon, Hawthorne, Highland, Lake Side, Maple, Parkland, Solon Springs, South Range, Summit, Superior, Waseott, the village of Lake Nebagamon, the first ward of the city of Superior, the second ward of the city of Superior, the eighth ward of the city of Superior, the ninth ward of the city of Superior and the tenth ward of the city of Superior shall constitute the second assembly district of Douglas county.

FOND DU LAC COUNTY.—The towns of Calumet, Empire, Fond du Lac, Forest, Friendship, Marshfield, Taycheedah, the villages of North Fond du Lac, St. Cloud and the city of Fond du Lac shall constitute the first assembly district of Fond du Lac county.

The towns of Alto, Ashford, Auburn, Byron, Eden, Eldorado, Lamartine, Metomen, Osceola, Oakfield, Ripon, Rosendale, Springvale, Waupun, the villages of Brandon, Campbellsport, Oakfield, the fifth ward of the city of Waupun, the sixth ward of the city of Waupun and the city of Ripon shall constitute the second assembly district of Fond du Lac county.

GRANT COUNTY.—The towns of Beetown, Cassville, Clifton, Ellenboro, Glen Haven, Hazel Green, Harrison, Jamestown, Lima, Paris, Platteville, Potosi, Smelzer, Waterloo, the villages of Cassville, Cuba City, Hazel Green, Potosi and the city of Platteville shall constitute the first assembly district of Grant county.

The towns of Boscobel, Castle Rock, Femmore, Hickory Grove, Liberty, Little Grant, Marion, Milleville, Mt. Hope, Mt. Ida, Muscoda, North Lancaster, South Lancaster, Patch Grove, Bloomington, Watterstown, Wingville, Woodman, Wyalusing, the villages of

Bloomington, Femimore, Montfort, Muscoda, the city of Boscobel and the city of Lancaster shall constitute the second assembly district of Grant county.

JEFFERSON COUNTY.—The towns of Concord, Farmington, Hebron, Ixonia, Milford, Palmyra, Sullivan, Watertown, the villages of Johnson's Creek, Palmyra, the first ward of the city of Watertown, the second ward of the city of Watertown, the third ward of the city of Watertown, the fourth ward of the city of Watertown and the seventh ward of the city of Watertown shall constitute the first assembly district of Jefferson county.

The towns of Aztalan, Cold Spring, Jefferson, Koshkonong, Lake Mills, Summer, Waterloo, Oakland, the village of Waterloo, the cities of Fort Atkinson, Jefferson and Lake Mills shall constitute the second assembly district of Jefferson county.

LA CROSSE COUNTY.—The first ward of the city of La Crosse, the second ward of the city of La Crosse, the third ward of the city of La Crosse, the fourth ward of the city of La Crosse, the fifth ward of the city of La Crosse, the sixth ward of the city of La Crosse, the seventh ward of the city of La Crosse, the ninth ward of the city of La Crosse, the tenth ward of the city of La Crosse, the eleventh ward of the city of La Crosse, the twelfth ward of the city of La Crosse, the thirteenth ward of the city of La Crosse, the fourteenth ward of the city of La Crosse, the fifteenth ward of the city of La Crosse, the sixteenth ward of the city of La Crosse, the nineteenth ward of the city of La Crosse and the twentieth ward of the city of La Crosse shall constitute the first assembly district of La Crosse county.

The towns of Bangor, Barre, Burns, Campbell, Farmington, Greenfield, Hamilton, Holland, Onalaska, Shelby, Washington, the villages of Bangor, West Salem, the eighth ward of the city of La Crosse, the seventeenth ward of the city of La Crosse, the eighteenth ward of the city of La Crosse, the twenty-first ward of the city of La Crosse and the city of Onalaska shall constitute the second assembly district of La Crosse county.

MANITOWOC COUNTY.—The towns of Centerville, Liberty, Manitowoc, Manitowoc Rapids, Meeme, Newton and the city of Manitowoc shall constitute the first assembly district of Manitowoc county.

The towns of Cato, Cooperstown, Eaton, Franklin, Gibson, Kossuth, Maple Grove, Mishicot, Rockland, Schleswig, Two Creeks, Two Rivers, the villages of Kiel, Reedsville and the city of Two Rivers shall constitute the second assembly district of Manitowoc county.

MARATHON COUNTY.—The towns of Bergen, Berlin, Bern, Brighton, Cassel, Cleveland, Day, Eau Plaine, Emmett, Frankfort, Flieth, Halsey, Hamburg, Holton, Hull, Johnson, Maine, McMillan, Marathon, Mosinee, Rib Falls, Rietbroek, Spencer, Stettin, Wein, the village of Athens, the village of Fenwood, the village of Marathon, the village of McMillan, the village of Mosinee, east ward of the city of Colby, village of Edgar, the village of Spencer, the village of Stratford and that part of the village of Unity within the county of Marathon shall constitute the first assembly district of Marathon county.

The towns of Easton, Eldron, Franzen, Harrison, Hewitt, Knowlton, Kronewetter, Norrie, Pike Lake, Plover, Ringle, Texas, Wausau, Weston, the village of Brokaw, the village of Schofield and the city of Wausau shall constitute the second assembly district of Marathon county.

MILWAUKEE COUNTY.—The first ward of the city of Milwaukee shall constitute the first assembly district of Milwaukee county.

The second ward of the city of Milwaukee shall constitute the second assembly district of Milwaukee county.

The third ward of the city of Milwaukee and the fourth ward of the city of Milwaukee shall constitute the third assembly district of Milwaukee county.

The twentieth ward of the city of Milwaukee and the twenty-second ward of the city of Milwaukee shall constitute the fourth assembly district of Milwaukee county.

The fifth ward of the city of Milwaukee shall constitute the fifth assembly district of Milwaukee county.

The sixth ward of the city of Milwaukee shall constitute the sixth assembly district of Milwaukee county.

The seventh ward of the city of Milwaukee and the tenth ward of the city of Milwaukee shall constitute the seventh assembly district of Milwaukee county.

The eighth ward of the city of Milwaukee shall constitute the eighth assembly district of Milwaukee county.

The ninth ward of the city of Milwaukee shall constitute the ninth assembly district of Milwaukee county.

The twenty-first ward of the city of Milwaukee and the twenty-fifth ward of the city of Milwaukee shall constitute the tenth assembly district of Milwaukee county.

The eleventh ward of the city of Milwaukee and the twenty-third ward of the city of Milwaukee shall constitute the eleventh assembly district of Milwaukee county.

The twelfth ward of the city of Milwaukee shall constitute the twelfth assembly district of Milwaukee county.

The thirteenth ward of the city of Milwaukee shall constitute the thirteenth assembly district of Milwaukee county.

The fourteenth ward of the city of Milwaukee and the twenty-fourth ward of the city of Milwaukee shall constitute the fourteenth assembly district of Milwaukee county.

The fifteenth ward of the city of Milwaukee and the nineteenth ward of the city of Milwaukee shall constitute the fifteenth assembly district of Milwaukee county.

The sixteenth ward of the city of Milwaukee, the town of Wauwatosa and the city of Wauwatosa shall constitute the sixteenth assembly district of Milwaukee county.

The seventeenth ward of the city of Milwaukee, the town of Lake and the city of Cudahy shall constitute the seventeenth assembly district of Milwaukee county.

The eighteenth ward of the city of Milwaukee, the town of Granville, the town of Milwaukee, the village of North Milwaukee, the village of Whitefish Bay and the village of East Milwaukee shall constitute the eighteenth assembly district of Milwaukee county.

The village of West Milwaukee, the city of West Allis, the city of South Milwaukee, the town of Greenfield, the town of Franklin and the town of Oak Creek shall constitute the nineteenth assembly district of Milwaukee county.

The wards herein referred to shall be the same as the wards fixed by a certain ordinance passed by the common council of the city of Milwaukee on the 20th day of June, 1911.

OUTAGAMIE COUNTY.—The towns of Boyina, Center, Dale, Ellington, Grand Clute, Greenville, the village of Shiocton and the city of Appleton shall constitute the first assembly district of Outagamie county.

The towns of Buchanan, Black Creek, Cicero, Deer Creek, Freedom, Hortonia, Kaukauna, Liberty, Maple Creek, Maine, Oneida, Osborne, Seymour, Vanden Broek, the villages of Black Creek, Kimberly, Little Clute, Hortonville, Welcome, the cities of Kaukauna, Seymour and the third ward of the city of New London shall constitute the second assembly district of Outagamie county.

RACINE COUNTY.—The first ward of the city of Racine, the second ward of the city of Racine, the third ward of the city of Racine, the fourth ward of the city of Racine, the fifth ward of the city of Racine, the sixth ward of the city of Racine, the eighth ward of the city of Racine the tenth ward of the city of Racine and the eleventh ward of the city of Racine shall constitute the first assembly district of Racine county.

The towns of Burlington, Caledonia, Dover, Mt. Pleasant, Norway, Raymond, Rochester, Yorkville, the villages of Corliss, Union Grove, Waterford, the seventh ward of the city of Racine, the ninth ward of the city of Racine and the city of Burlington shall constitute the second assembly district of Racine county.

ROCK COUNTY.—The towns of Center, Fulton, Janesville, Lima, Milton, Magadala, Porter, Union, the cities of Edgerton, Evansville, Janesville and the village of Milton shall constitute the first assembly district of Rock county.

The towns of Avon, Beloit, Bradford, Clinton, Harmony, Johnstown, La Prairie, Newark, Plymouth, Rock, Spring Valley, Turtle, the village of Clinton, the village of Oxfordville and the city of Beloit shall constitute the second assembly district of Rock county.

SHEBOYGAN COUNTY.—The town of Sheboygan and the city of Sheboygan shall constitute the first assembly district of Sheboygan county.

The towns of Greenbush, Herman, Holland, Lima, Lyndon, Mitchell, Mosell, Plymouth, Ridge, Russell, Scott, Sheboygan Falls, Sherman, Wilson, the villages of Cedar Grove, Elkhart Lake, Oostburg, Random Lake, Sheboygan Falls and the city of Plymouth shall constitute the second assembly district of Sheboygan county.

WANKESHA COUNTY.—The towns of Eagle, Genesee, Mukwonago, Muskego, New Berlin, Ottawa, Vernon, Waukesha, the village of Eagle, the village of Mukwonago and the city of Waukesha shall constitute the first assembly district of Waukesha county.

The towns of Brookfield, Delafield, Lisbon, Menomonie, Merton, Oconomowoc, Pewaukee, Summit, the village of Hartland, Menomonie Falls, Pewaukee and the city of Oconomowoc shall constitute the second assembly district of Waukesha county.

WINNEBAGO COUNTY.—The first ward of the city of Oshkosh, the second ward of the city of Oshkosh, the fourth ward of the city of Oshkosh, the fifth ward of the city of Oshkosh, the seventh ward of the city of Oshkosh, the eighth ward of the city of Oshkosh, the tenth ward of the city of Oshkosh, the eleventh ward of the city of Oshkosh and the

twelfth ward of the city of Oshkosh shall constitute the first assembly district of Winnebago county.

The towns of Clayton, Menasha, Neenah, Oshkosh, Vinland, Winchester, Winneconne, Wolf River, the village of Winneconne, the city of Menasha and the city of Neenah shall constitute the second assembly district of Winnebago county.

The towns of Algoma, Black Wolf, Nekimi, Nepeskim, Omro, Poygan, Rushford, Utica, the third ward of the city of Oshkosh, the sixth ward of the city of Oshkosh, the ninth ward of the city of Oshkosh, the thirteenth ward of the city of Oshkosh and the village of Omro shall constitute the third assembly district of Winnebago county. [1911 c. 661]

Omitted territory. SECTION 11m. In case any town, city or ward has not been attached to, or included in any assembly district by its proper name or designation, or has been omitted from any cause by the provisions of this act, such town, city, ward or village shall be a part of the assembly district in which the adjoining town, village or ward having the least population in the same assembly district is situated. [1911 c. 661 s. 3; 1913 c. 773 s. 5]

Ward boundaries in Milwaukee. SECTION 11n. The wards of the city of Milwaukee referred to in sections 9, 10 and 11 of the statutes shall be construed to be the wards of said city as created by a certain ordinance passed by the common council of the city of Milwaukee on the twentieth day of June, 1911. [1911 c. 661 s. 6; 1913 c. 773 s. 5]

TITLE II.

Elections, other than for Town, Village and City Officers.

CHAPTER 5.

OF CAUCUSES, ELECTORS AND GENERAL ELECTIONS.

OF PRIMARY ELECTIONS.

Definitions; statute to be liberally construed. SECTION 11—1. The words and phrases in this act, shall, unless the same be inconsistent with the context, be construed as follows:

- (1) The word "primary," the primary election provided for by this act.
- (2) The words "September primary," the primary election held in September to nominate candidates to be voted for at the ensuing general election.
- (3) The word "election," a general or city election, as distinguished from a primary election.
- (4) The words "November election," the general election held in November.
- (5) The word "precinct," a district established by law within which all qualified electors vote at one polling place.
- (6) This statute shall be liberally construed, so that the real will of the electors may not be defeated by any informality or failure to comply with all provisions of law in respect to either the giving of any notice or the conducting of the primary or certifying the results thereof. [1903 c. 451 s. 1; Supl. 1906 s. 11—1; 1907 c. 118, 666]

Nomination methods; presidential electors; fourth class cities. SECTION 11—2. Hereafter, all candidates for elective offices shall be nominated:

- (1) By a primary held in accordance with this act, or
- (2) By nomination papers signed and filed as provided by existing statutes.
- (3) Party candidates for the office of United States senator shall be nominated in the manner provided herein for the nomination of candidates for state offices.
- (4) This act shall not apply to special elections to fill vacancies, to the office of state superintendent, to presidential electors, to county and district superintendents of schools, to town, village and school district officers, nor to judicial officers, excepting police justices and justices of the peace in cities of the first, second and third classes.
- (5) No primary election shall be held in cities of the fourth class for the nomination of municipal officers unless a petition asking that a primary election be held, signed by at least twenty-five per cent of the electors of such city shall be filed in the office of the city clerk at least sixty days prior to the time for holding such primary. The percentage of signers shall be determined by the vote cast for governor therein at the last preceding general election. Unless such petition is filed and primary held, municipal officers in cities of the fourth class shall be nominated by nomination papers as provided in section 30 of the statutes. [1903 c. 451 s. 2; 1905 c. 3 s. 1; Supl. 1906 s. 11—2; 1907 c. 118, 666; 1913 c. 773 s. 6]

Primaries; time and place. SECTION 11—3. 1. The September primary shall be held at the regular polling places in each precinct on the first Tuesday of September, 1908, and biennially thereafter for the nomination of all candidates to be voted for at the next November election.

2. Any primary other than the September primary shall be held two weeks before the election for which such primary is held. [1903 c. 451 s. 3; Supl. 1906 s. 11—3; 1907 c. 118, 666]

Primary notices; lists of local clerks. SECTION 11—4. 1. At least sixty days before the time of holding such September primary, the secretary of state shall prepare and transmit to each county clerk, a notice in writing designating the offices for which candidates are to be nominated at such primary.

2. Upon receipt of such notice said county clerk shall immediately transmit a copy thereof to each town, city and village clerk in his county and not less than ten days thereafter publish so much thereof as may be applicable to his county, once in each week for four consecutive weeks in at least two, and not to exceed four, newspapers of general circulation published in said county.

3. Each town, village and city clerk shall, within ten days after the receipt of such notice, cause notice of such primary to be posted in three public places in each precinct in his town, city or village; such notice shall state the time when, and place where, the primary will be held in each precinct therein, together with the offices for which candidates are to be nominated.

4. In case of city elections, the city clerk shall cause one publication of such notice to be given, and shall also post such notice in three public places in each election precinct therein, such publication and posting to be not more than twenty and not less than ten days before such primary election.

5. Each county clerk shall, on the first Tuesday of June, 1908, and biennially thereafter, transmit to the secretary of state the name and post-office address of each town, city and village clerk in his county. [1903 c. 451 s. 4; Supl. 1906 s. 11—4; 1907 c. 118, 666; 1913 c. 343]

Nomination papers; filing; form. SECTION 11—5. 1. The name of no candidate shall be printed upon an official ballot used at any September primary unless at least thirty days prior to such primary a nomination paper shall have been filed in his behalf as provided in this act, in substantially the following form:

I, the undersigned, a qualified elector of (the precinct of the town of) or (the precinct of the ward of the city of), county of and state of Wisconsin, and a member of the party, hereby nominate, who resides (at No. on street, city of) or (in the town of), in the county of as a candidate for the office of (here specify the office), to be voted for at the primary to be held on the first Tuesday in September, 19.., as representing the principles of said party, and I further declare that I intend to support the candidate named herein.

Name of signer.	In cities.		Date of signing.
	Street.	No.	
.....

Caption. 2. All nomination papers shall have substantially the above form written or printed at the top thereof. No signatures shall be counted unless they be upon sheets each having such form written or printed at the top thereof.

Signing. 3. Each signer of a nomination paper shall sign but one such paper for the same office, and shall declare that he intends to support the candidate named therein; he shall add his residence, with the street and number, if any, and the date of signing.

Circulating; time of. No nomination paper shall be circulated prior to sixty days before the date on which such paper must be filed according to law, and no signature shall be counted unless it has been affixed to such nomination paper and bears date within sixty days prior to the time for filing such nomination paper.

Signers; residence; affidavit. 4. (a) For all nominations, except state officers and representatives in congress, all signers of each separate nomination paper shall reside in the same ward, town or village. For state officers and congressmen, all signers on each separate nomination paper, shall reside in the same county.

(b) The affidavit of a qualified elector shall be appended to each such nomination paper, stating that he is personally acquainted with all persons who have signed the same, and that he knows them to be electors of that precinct or county, as the nomination papers shall require; that he knows that they signed the same with full knowledge of the contents thereof and that their respective residences are stated thereon, and that each signer signed the same on the date stated opposite his name, and that he, the affiant, intends to support the candidate named therein. Such affidavit shall not be made by the candidate, but each candidate shall file with his nomination paper or papers, or within five days thereafter, a declaration that he will qualify as such officer if nominated and elected.

Number of signers. 5. Such nomination papers shall be signed:

(a) If for a state office by at least one per cent of the voters of the party of such candidate in at least each of six counties in the state, and in the aggregate not less than one per cent nor more than ten per cent of the total vote of his party in the state.

(b) If for a representative in congress, by at least two per cent of the voters of his party, in each of at least one-half of the counties of the congressional district, and in the aggregate not less than two per cent nor more than ten per cent of the total vote of his party in such district.

(c) If for an office representing less than a congressional district in area, or a county office, by at least three per cent of the party vote in at least one-sixth of the election precincts of such district and in the aggregate not less than three per cent nor more than ten per cent of the total vote of his party in such district.

(d) The basis of percentage in each case shall be the vote of the party for the presidential elector receiving the largest vote at the last preceding presidential election. But any political organization which at the last preceding general election was represented on the official ballot by either regular party candidates or by individual nominees only, may, upon complying with the provisions of this act, have a separate primary election ticket as a political party, if any of its candidates or individual nominees received one per cent of the total vote cast at the last preceding general election in the state, or subdivision thereof, in which the candidate seeks the nomination; and any political organization which shall file with the secretary of state, not less than ninety days prior to the holding of a September primary, a petition signed by not less than one-sixth of the electors in at least ten counties therein, or by one-sixth of the electors within any senatorial, assembly or congressional district, praying that said organization be given a party ticket at the said September primary, may have a separate party ticket as a political party in such district or in the state, as the case may be, at such primary; and all candidates of such party for the nomination as candidates for the office of member of the assembly or of the senate or for representative in congress, if the petition be signed by electors in the district only, or for the nomination as candidates for state offices, if the petition be signed by the above required number of electors in at least ten counties in the state, shall, upon complying with the provisions of law relative to nomination papers, be placed upon such ticket. The basis for ascertaining the number of signers required on any such petition shall be the same as for ascertaining the number of signers necessary on nomination papers as provided in this section. [1903 c. 451 s. 5; Spl. S. 1905 c. 5; Supl. 1906 s. 11—5; 1907 c. 118, 666; 1909 c. 372; 1913 c. 650]

Filing of nomination papers; destruction. SECTION 11—6. All nomination papers shall be filed as follows:

(1) For state officers, United States senators, representatives in congress, circuit judges, and those members of senate and assembly whose districts comprise more than one county, in the office of the secretary of state.

(2) For officers to be voted for wholly within one county, except representatives in congress, in the office of the county clerk of such county.

(3) For city officers, or other officers voted for exclusively within one city, in the office of the city clerk.

(4) When nomination papers shall be received which contain ten per cent of the total vote as limited in subdivisions (a), (b) and (c) of section 11—5 of this act, the clerk with whom such papers are required to be filed, shall not receive or file further nomination papers for the candidate named therein.

(5) All nomination papers in the custody of any official under the provisions of this section shall, four months after the day of the election at which the nominees sought to be named by such nomination papers have been voted for, be destroyed, by the official having such custody. Such papers as are material to any investigation or litigation then pending, shall not be destroyed, however, until the final determination of such investigation or litigation. [1903 c. 451 s. 6; Spl. S. 1905 c. 5 s. 2; Supl. 1906 s. 11—6; 1907 c. 118, 666; 1909 c. 372; 1913 c. 192]

Nominations; certification; rotation of names. SECTION 11—7. 1. At least twenty-five days before any primary preceding a general election, the secretary of state shall transmit to each county clerk a certified list containing the name and post-office address of each person for whom nomination papers have been filed in his office, and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents; such lists shall designate the order in which the names of the candidates shall be printed upon the primary ballot in each assembly district.

2. (a) For the purpose of determining the order in which the names of candidates for each state office shall be placed upon the primary ballot, the secretary of state shall number the assembly districts in the state consecutively, from one to one hundred, in the order of their population according to the last preceding published census, beginning with the district having the largest population, which shall be numbered one.

Precincts, arrangement. 2. When the names of candidates for each office for whom nomination papers have been filed in the office of the county clerk shall be placed on the primary ballot, the county clerk shall prepare a list of the election precincts of his county. Such list shall be prepared by arranging the various towns, cities and villages of the county in alphabetical order, and the wards or precincts of each city, village or town in numerical order under the name of such city, village or town. The precincts in each assembly district within the county shall be arranged in the same manner.

Names, arrangement. 3. The county clerk shall arrange the surnames of all candidates for each office for whom nomination papers have been filed in his office alpha-

each person or person or persons have been filed in his office and entitled to be voted for at such primary, together with a designation of the office for which he is a candidate, and the party or principle he represents; such lists shall designate the order in which the names of the candidates shall be printed upon the primary ballot in each assembly district.

2. For the purpose of determining the order in which the names of candidates on each state ballot shall be placed upon the primary ballot, the secretary of state shall number the assembly districts of the state consecutively, from one to one hundred, in the order of their population according to the last preceding published census, beginning with the district having the largest population, which shall be numbered one.

(b) In determining the order in which the names of candidates for representatives in congress, and state senators in districts comprising more than one county, shall be placed upon the primary ballot, the secretary of state shall number the assembly districts and parts of districts in each congressional or senatorial district from one upward, according to population, as aforesaid.

(c) In determining the order in which the names of candidates for members of assembly, in districts comprising more than one county, shall be placed upon the primary ballot, the secretary of state shall number the counties in each assembly district from one upward, according to population, as aforesaid.

3. (a) The secretary of state shall arrange the surnames of all candidates for each office alphabetically for the first assembly district; thereafter for each succeeding district, the name appearing first for each office in the last preceding district shall be placed last.

(b) He shall arrange the surnames of all candidates for member of assembly alphabetically for the first county in each assembly district; thereafter for each succeeding county, the name appearing first in the last preceding county shall be placed last.

Notice. 4. Such clerk shall forthwith upon receipt thereof publish under the proper party designation, the title of each office, the names and addresses of all persons for whom nomination papers have been filed, giving the name and address of each, the date of the primary, the hours during which the polls will be opened, and that the primary will be held at the regular polling places in each precinct.

Publication. 5. It shall be the duty of the county clerk to publish such notice once each week for two consecutive weeks prior to said primary.

Posting. 6. Such clerk shall also forthwith mail copies of such notice to each town, village and city clerk of his county, who shall immediately post copies of the same in at least three public places in each precinct in his town, village or city, designating therein the location of the polling booth in each election precinct. [1903 c. 451 s. 7; Supl. 1906 s. 11—7; 1907 c. 118, 666; 1909 c. 464; 1911 c. 47]

Newspaper notices; number. SECTION 11—8. 1. Every publication required in this act shall be made in at least two, and not to exceed four newspapers of general circulation in such county or city, one of such newspapers shall represent the political party that cast the largest vote in such county or city at the preceding general election, and one of such newspapers shall represent the political party that cast the next largest vote in such county or city at the preceding general election; provided, that every publication required in this act shall not be made in more than two newspapers as herein provided, unless authorized by resolution adopted by the county board of supervisors of such county or city council of such city.

2. In any case where the publication of a notice cannot be made as hereinbefore required, it may be made in any newspaper having a general circulation in the county or city in which the notice is required to be published. [1903 c. 451 s. 8; Supl. 1906 s. 11—8; 1907 c. 118, 666]

Official ballot. SECTION 11—9. 1. An official ballot shall be printed and provided for use at each voting precinct in substantially the form provided herein, annexed hereto, and marked "A." The names of all candidates for the respective offices for whom the nomination papers prescribed shall have been duly filed, shall be printed thereon. [1903 c. 451 s. 9; Supl. 1906 s. 11—9; 1907 c. 118, 666; 1911 c. 200]

Sample ballots; form; county candidates; rotation of names. SECTION 11—10. 1. At least twenty days before the September primary each county clerk shall prepare sample official ballots in substantially the annexed form marked "A," which sample ballots shall be printed upon tinted or colored paper, and shall contain no blank indorsement or certificate. Said clerk shall place thereon, under the appropriate title of each office and party designation, the names of all candidates to be voted for in the precincts of his county. The names certified by the secretary of state shall be arranged in the order in which they are certified. The names of candidates for whom nomination papers have been filed in the office of the county clerk shall be arranged as hereinafter provided.

Precincts, arrangement. 2. For the purpose of determining the order in which the names of candidates for each office for whom nomination papers have been filed in the office of the county clerk shall be placed on the primary ballot, the county clerk shall prepare a list of the election precincts of his county. Such list shall be prepared by arranging the various towns, cities and villages of the county in alphabetical order, and the wards or precincts of each city, village or town in numerical order under the name of such city, village or town. The precincts in each assembly district within the county shall be arranged in the same manner.

Names, arrangement. 3. The county clerk shall arrange the surnames of all candidates for each office for whom nomination papers have been filed in his office alpha-

betically for the first precinct in the list; hereafter for each succeeding precinct; the name appearing first for each office in the last preceding precinct shall be placed last.

Ballots; mailing, etc. 4. Such clerk shall forthwith submit the ticket of each party to the county chairman thereof, and mail a copy to each candidate for whom nomination papers have been filed with him as required by this act, to his post-office address as given in such nomination paper, and he shall post a copy of each sample ballot in a conspicuous place in his office.

Errors. 5. On the tenth day before such primary the county clerk shall correct any errors or omissions in the ballot, cause the same to be printed and distributed as required by law in the case of ballots for the general election, except that the number of ballots to be furnished to each precinct shall be twice the number of votes cast thereat in the last preceding general election.

Tally sheets. 6. The county clerk shall cause to be printed and distributed with the ballots tally sheets for each political party having candidates to be voted for at said primary. Said tally sheets shall contain the names of all offices and candidates and shall be substantially in the annexed form, marked "B." (*1907 c. 471 s. 10; Supl. 1906 s. 11 - 10; 1907 c. 118, 666; 1909 c. 611; 1911 c. 201*)

Expenses, primary; how paid. SECTION 11—11. 1. All ballots, blanks and other supplies to be used at any primary, and all expenses necessarily incurred in the preparation for or conducting such primary, shall be paid out of the treasury of the town, village, city, county or state, as the case may be, in the same manner, with like effect, and by the same officers as in the case of elections.

Publication fee. 2. The fees for publishing notices of primary elections and for publishing all other matters relating to primary elections shall be sixty cents per folio for the first insertion, and thirty-five cents per folio for the subsequent insertion, except that the fee for publishing the notice provided for in section 11—7 of the statutes, which shall be at the same rate as provided for publishing information to voters in section 67 of the statutes. (*1907 c. 471 s. 11; Supl. 1906 s. 11 - 11; 1907 c. 118, 666; 1909 c. 406*)

Conduct of primaries. SECTION 11—12. 1. The provisions of chapter 5 of the statutes of 1898, as amended, shall be applicable to the conduct of primaries where not otherwise provided.

Election inspectors, cities and villages; appointment. 2. (a) The mayor of every city shall nominate to the common council thereof, and the president of every village shall nominate to the village board of trustees thereof, at their first regular meeting in February of each year in which a general election is to be held, and if no such meeting is held, then at a special meeting, which he shall call for such purpose on the last Tuesday of said month, three persons for inspectors of election, two for clerks of election, and two for ballot clerks, in each election district therein.

Qualifications. (b) Each of the persons so nominated shall be an elector in the district for which appointed; be able to read and write the English language understandingly, and shall not be a candidate to be voted for at such election, and not more than two of such inspectors, nor one of said clerks of election or ballot clerks so nominated, shall be of the same political party, but all such officers shall be chosen from the two parties which cast the largest votes in such district at the last preceding general election. The party which cast the largest vote being entitled to two inspectors, one clerk and one ballot clerk, and the party receiving the next largest vote shall be entitled to one inspector, one clerk and one ballot clerk. The basis in each case shall be the vote of the party for the presidential elector receiving the largest vote at the last preceding presidential election.

Nomination. (c) Such inspectors, clerks and ballot clerks shall be chosen from a list submitted to the mayor of the city, or to the president of the village, for that purpose by the regular county committee or city committee of the aforesaid two parties. Such list shall be submitted by the chairman from each ward to the city or county committee, and only such persons so selected by the chairman from each ward shall act as such inspectors, which list shall bear the signature of the chairman and secretary of said county or city committee.

Confirmation. (d) Such common council or board of trustees shall immediately approve or disapprove such nominations. If they disapprove as to any such nominee, the mayor or president shall immediately nominate another person, qualified as aforesaid, from the list of the two committees representing the two parties which cast the largest vote in said district in the last general election, and the mayor or village president shall continue to do so until the requisite number shall have been nominated and confirmed at such meeting.

Term. (e) The persons so appointed inspectors, clerks and ballot clerks, in cities and villages shall hold their offices for two years and until their successors are appointed

and qualified, and shall act as such officers at every primary, general, municipal and

(4) A vote for one person only, shall be counted as a first choice vote, whether the voter places his cross in the first or in the second choice column.

(5) A first and second choice vote cast for the same person shall be counted as a first choice vote only for such person.

(6) Otherwise the provisions of section 51 of the statutes, as far as applicable, shall govern the preparation and voting of the ballot.

Detachment, folding. 9. After preparing his ballot, the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the printed indorsements and signatures or initials thereon seen

OFFICIAL TALLY SHEET

FOR GOVERNOR

Candidates	First Choice	SECOND CHOICE								
		A. B.	C. D.	E. F.	G. H.					
A. B.	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI		NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	50	30	15	5
G. D.	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	10	25	10	5
E. F.	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	25	12	7	3
G. H.	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	NI NI NI NI NI NI NI NI NI NI NI NI NI NI NI	5	3	1	1

FOR ALTERNATE GOVERNOR

Candidates	First Choice	SECOND CHOICE								
		A. B.	C. D.	E. F.	G. H.					
A. B.										
C. D.										
E. F.										
G. H.										

FOR SECRETARY OF STATE

Candidates	First Choice	SECOND CHOICE								
		A. B.	C. D.	E. F.	G. H.					
A. B.										
C. D.										
E. F.										
G. H.										

We hereby certify that the above is a true and correct count of the ballots cast at the primary election held this _____ day of _____, A. D. _____, in the precinct of the city or village of _____, county of _____, state of Wisconsin.

Clerks of Election.

Inspectors of Election.

betically for the first precinct in the list; thereafter for each su

he

Inspectors of Election.

Clerks of Election.

Confirmation. (d) Such common council or board of trustees shall immediately approve or disapprove such nominations. If they disapprove as to any such nominee, the mayor or president shall immediately nominate another person, qualified as aforesaid, from the list of the two committees representing the two parties which cast the largest vote in said district at the last general election, and the mayor or village president shall continue to do so until the requisite number shall have been nominated and confirmed at such meeting.

Term. (e) The persons so appointed inspectors, clerks and ballot clerks, in cities and villages shall hold their offices for two years and until their successors are appointed

and qualified, and shall act as such officers at every primary, general, municipal and special election following their appointment held within their respective districts, during such term.

Vacancy. (f) Such inspectors shall fill any vacancy in their number, or in the number of such clerks by persons qualified as aforesaid, and may appoint one of their number as chairman.

Poll list; how kept. (g) Each clerk of election shall keep a poll list on which he shall enter the full name and post-office address of each person voting at the primary, in the order in which their ballots are cast; and on request of the inspectors each elector shall state his full name and post-office address before his ballot shall be received.*

* See note to section 47.

Opening and closing of polls. 3. In all cities having a population of five thousand inhabitants and over, the polls at the September primary shall be opened at six o'clock in the morning and closed at eight o'clock in the evening. In all other cities and in towns and villages said polls shall be opened at nine o'clock in the forenoon and closed at five thirty o'clock in the evening. Provided, that in cities having a population of less than five thousand inhabitants and in towns and villages the time may be extended as provided in section 49 of the statutes.

Official ballot; form; city primaries. 4. All primaries there shall be an Australian ballot made up of the several party tickets herein provided for, all of which shall be securely fastened together at the top and folded; provided, that there shall be as many separate tickets as there are parties entitled to participate in said primary election. The names of all candidates at the September primary shall be arranged as provided in sections 11—7 and 11—10 of the statutes as herein amended. The names of candidates at city primaries shall be arranged alphabetically according to surnames.

Candidates; voted for on more than one ticket. 5. If any elector write upon his ticket the name of any person who is a candidate for the same office upon some other ticket than that upon which his name is so written, this ballot shall be counted for such person only as a candidate of the party upon whose ticket his name is written, and shall in no case be counted for such person as a candidate upon any other ticket.

Candidate's choice of ticket. 6. In case the person is nominated upon more than one ticket he shall forthwith file with the proper officer, or officers in charge of the preparation of the ballots, a written declaration indicating the party designation under which his name is to be printed on the official ballot; provided, that in case a candidate is nominated on a ticket on which his name is printed and also on some other ticket by having his name written thereon, he shall not have the right of choice but shall be held to be the nominee of the party on which his name is printed.

Ballot; form. 7. The ballots with the indorsements shall be in substantially the form heretofore annexed; provided, that ballots for any city primary may be varied as to the title of the offices to be printed thereon, so as to conform to the law under which each such primary is held.

Preparation of ballot. 8. (a) Each elector shall be entitled to designate on his ballot, in the manner herein provided, the name of his first choice and also the name of his second choice as nominee for each office.

(b) The voter shall mark his ballot in the following manner to indicate his first and second choice:

(1) He shall place a cross (X), or other mark, in the first column after the name of his first choice candidate, and a cross (X), or other mark, in the second column after the name of his second choice candidate.

(2) He shall place but one mark in any one designated space.

(3) If a voter votes either in the first or in the second choice column, for two persons, such vote shall be counted as a first choice vote for the person voted for whose name appears first in such column, and as a second choice vote for the person voted for whose name appears lower in such column.

(4) A vote for one person only, shall be counted as a first choice vote, whether the voter places his cross in the first or in the second choice column.

(5) A first and second choice vote cast for the same person shall be counted as a first choice vote only for such person.

(6) Otherwise the provisions of section 51 of the statutes, as far as applicable, shall govern the preparation and voting of the ballot.

Detachment, folding. 9. After preparing his ballot, the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the printed indorsements and signatures or initials thereon seen

Deposit. 10. The remaining tickets attached together shall be folded in like manner by the elector, who shall thereupon without leaving the polling place, vote the marked ballot forthwith, and deposit the remaining tickets in the separate ballot box to be marked and designated as the blank ballot box.

Blank tickets. 11. Immediately after the canvass, the inspectors shall, without examination, destroy the tickets deposited in the blank ballot box.

Voting machines; may be used. 12. Voting machines may be used at primary elections, subject to the requirements of section 11—3 of the statutes, and to the following provisions:

Each machine shall be constructed and arranged so that: (1) The names of all candidates entitled to appear on the ballots at the primary shall appear on the machine; (2) the voter cannot vote for the candidates of more than one party; (3) the voter can secretly select the party for which he wishes to vote; (4) the voter can vote for as many candidates for each office as he is lawfully entitled to vote for, but no more.

Vote; counting. 13. (1) No vote on the irregular ballot device shall be counted for any person for any party, if such person's name appears on the printed ballot labels of that party. (2) To vote for any person as the candidate of any party when the name of such person does not appear upon the printed ballot labels of that party. The voter shall write the name of such person in the proper place in the irregular ballot device, and designate the party for which he desires such person to be the nominee.

Law applicable. 14. All laws of this state relating to the use of voting machines at elections, and all penalties prescribed for violations of such laws shall apply to the use of voting machines at primary elections insofar as such laws are not in conflict with subsection 12 of section 11—12. Provided, however, that any voting machine used at a primary election, which has been sealed, closed or locked, as prescribed in section 44—12 of the statutes, may be opened seven days after such sealing, closing or locking. [*1903 c. 451 s. 12; 1905 c. 421 s. 1; 1905 c. 432 s. 1; Spl. S. 1905 c. 2 s. 1; Supl. 1906 s. 11—12; 1907 c. 118, 666; 1909 c. 464, 476, 533; 1911 c. 200, 620; 1911 c. 663 s. 1*]

Vacancies in candidacies. SECTION 11—13. 1. Vacancies occurring after the holding of any primary shall be filled by the party committee of the city, district, county or state, as the case may be.

2. If a person whose name is printed on the primary ballot shall die or file a declination to accept the nomination after the ballots are printed, or if he shall be disqualified to accept such nomination, the votes cast for him shall be counted and returned; and if he shall receive the greatest number of votes, as provided by section 11—16 of the statutes, the vacancy shall be filled by the party committee, as aforesaid. [*1903 c. 451 s. 13; Supl. 1906 s. 11—13; 1907 c. 118, 666; 1911 c. 54*]

Registration; inspectors' hours and compensation. SECTION 11—14. 1. No person shall be entitled to vote at any primary unless a qualified elector of the precinct and duly registered therein, if registration be required by law in such precinct at elections.

2. Every primary election day and the Tuesday next preceding shall be registration days where registration is required, on which the inspectors shall exercise the powers prescribed by sections 25 and 26, statutes of 1898, but no person shall be registered on or after the day of holding the primary without personally appearing before the inspectors. At least three days before the holding of a primary election the city clerk shall furnish the city committees of the various political parties with six copies of the printed registry lists, as compiled at the first registration, and only voters whose names appear on such registry lists shall be allowed to cast their ballot at a primary election, except it is shown by affidavit that the elector is a qualified voter and resident of the precinct, which affidavit must be corroborated by at least two freeholders, electors in said district.

3. The inspectors shall register any person who shall on any registration day appear and file an affidavit to the effect that he is a qualified elector in such precinct, or when they personally know him to be such.

4. Any person registered on either of said days as prescribed herein, shall be entitled to vote at the succeeding election without other registration.

5. There shall be no other registration day or days for either a primary, a general or a city election, except that prescribed by section 27 of the statutes of 1898.

6. No voter shall be required to register under the provisions of this act where registration is not now required by law.

7. The inspectors shall be in session for the purpose of registration from nine o'clock in the morning until eight o'clock in the evening, except that on the day of holding the primary they shall be in session during the time the polls are required to be held open.

8. The inspectors and clerks shall receive the same compensation provided in section 94h of the statutes of 1898, and any amendments now or hereafter made thereto. [*1905*

c. 451 s. 11; 1905 c. 424 s. 2; Spl. S. 1905 c. 4; Supl. 1906 s. 11—14; 1907 c. 118, 666; 1909 c. 372]

Party challengers. SECTION 11—15. 1. The party committee of each precinct may appoint in writing over their signatures, two party agents or representatives, with an alternate for each, who shall act as challengers for their respective parties, and have the power prescribed by section 46, statutes of 1898.

2. The right of any person to vote at a primary may be challenged upon the same ground and his right to vote be determined in the same manner as at an election.

3. The chairman of each party committee of any precinct may represent his party at the polling booth during the canvass and return of the vote at a primary, or he may appoint an agent or designate a member of his committee for that purpose. [*1903 c. 451 s. 15; Supl. 1906 s. 11—15; 1907 c. 118, 666*]

Canvass of primary votes; returns. SECTION 11—16. 1. Canvass of votes cast shall, except as herein otherwise provided, be made in the same manner, as far as applicable, and by the same officers as the canvass of a general election.

2. (a) The party chairman of the precinct in a precinct canvass, of the county in a county canvass, of the state in a state canvass, or some duly appointed agent to represent each party, shall be allowed to be present and observe the proceedings.

(b) The ballots shall be counted in the following manner: As the first and second choice votes are called off from the ballots by the primary officials, they shall be entered by such officials on the tally sheets in the form annexed, marked "B," provided for that purpose. Such official tally sheets upon which the count has been so entered shall be included in the returns of such election.

For sample tally sheet see section 11—10 sub. 6.

3. The precinct inspectors of election shall, on blanks to be provided for that purpose, make full and accurate returns of the votes cast for each candidate, giving both first choice and second choice votes as herein provided, and shall, within twenty-four hours, cause such returns to be delivered to the county clerk; provided, however, that such returns shall be sent by registered mail where practicable. The returns shall set forth, opposite the name of each candidate, the number of first choice votes cast for such candidate, followed horizontally by a statement of the number of second choice votes cast by his supporters for each of the other candidates. Such tabular statement shall be substantially in the following form, the names of candidates to be arranged thereon in the order in which they appear upon the ballot:

.....Precinct. ....		.....Party			
FOR GOVERNOR.					
FIRST CHOICE.		SECOND CHOICE.			
Candidates.		A. B.	C. D.	E. F.	G. H.
A. B.	50	.....	30	15	5
C. D.	40	25	.....	10	5
E. F.	25	15	;	.....	3
G. H.	5	3	1	1	.....
	120	.....		

4. The county canvass of the returns of a September primary shall be made by the same officers, and in the manner provided in chapter 5, of the statutes, for the canvass of the returns of a November election, except as herein otherwise provided.

5. The canvassers shall meet and canvass such returns at ten o'clock on the Friday following the September primary. Their returns shall contain the whole number of first choice votes and the whole number of second choice votes cast for each candidate of each political party.

6. The canvassers shall also make an additional duplicate return showing the votes cast for each candidate not voted for wholly within the limits of the county.

7. The county clerk shall, not later than the Tuesday succeeding the day upon which the September primary is held, send to the secretary of state by registered mail one complete copy of all returns as to such candidates.

8. The secretary of state, state treasurer and attorney-general shall constitute the state board of canvassers of the September primary. Said board shall meet at the office of the secretary of state at ten o'clock a. m., on the second Friday following the September

17. Said board shall prior to the holding of the platform convention make a canvass of the votes cast for candidates for state offices, United States senator, representatives of congress, and members of the senate and assembly in districts not wholly within one county, and all of the provisions relating to the canvass of returns at a general election, as far as applicable, shall apply to said canvass, except as otherwise provided in sections 11-1 to 11-28, inclusive. [1903 c. 451 s. 16; Supl. 1906 s. 11-16; 1907 c. 118, 666; 1911 c. 200, 619; 1911 c. 611 s. 11.]

Rules for canvass. SECTION 11-17. The state and county boards of canvassers shall be guided by the following rules:

(a) If any candidate for an office receives a majority of the first choice votes he shall be declared nominated for such office.

(b) If no candidate is thus nominated, drop the name of the one having the least number of first choice votes and add the second choice votes cast by his supporters to the first choice votes of the remaining candidates for whom they were cast.

(c) If no candidate then has a majority, drop from the remaining candidates the one having the least number of votes then to his credit, and add the second choice votes cast by his supporters to the votes of the remaining candidates for whom they were cast.

(d) Repeat this operation until some candidate has a majority or until only two candidates remain. The one then having the greater number of votes to his credit shall be declared nominated.

(e) No second choice vote shall be counted when it is cast for a candidate whose name has already been declared as herein provided.

(f) Any ties shall be decided by lot by the canvassers. [1903 c. 451 s. 17; Supl. 1906 s. 11-17; 1907 c. 118, 666; 1911 c. 200.]

Nominees entitled to place on ballot. SECTION 11-18. 1. The person receiving the highest vote at such primary as the candidate of any party for any office, determined under the rules herein provided, shall be the nominee of that party for such office, and his name as such nominee shall be placed on the official ballot at the following election.

2. Provided, however, that if all candidates for nomination for any one office voted for on any party ballot, shall not receive in the aggregate first choice votes equal in number to ten per cent or more of the vote cast for the nominee of such party for governor at the last general election, in the territory within which such candidates are to be voted for, then no person shall be deemed to be the party nominee for any such office, but the person receiving the highest first choice vote, as the candidate of such party for such office, shall be deemed an independent candidate, and his name shall be placed on the official ballot as an independent candidate.

3. Provided, further, that no person shall be entitled to have his name placed on such ballot who has not filed a nomination paper as provided in sections 11-5 and 11-6 of the statutes, unless he shall have received at such primary election a number of votes not less than the number of signers required by sections 11-5 and 11-6 of the statutes for nomination papers, and shall have filed within five days after receiving official notice of his nomination, a declaration that he will qualify as such officer if elected. [1903 c. 451 s. 18; Supl. 1906 s. 11-18; 1907 c. 118, 666; 1909 c. 477; 1911 c. 200; 1911 c. 611 s. 23.]

Secretary of state to certify nominees. SECTION 11-19. Not less than fourteen days before any November election the secretary of state shall certify to the county clerk of each county within which any of the electors may vote for the candidates for such offices, the name and description of each person nominated for any such office as specified in the nomination papers. [1903 c. 451 s. 19; Supl. 1906 s. 11-19; 1907 c. 118, 666.]

City primaries; canvass; application of sections 11-1 to 11-25m, inclusive. SECTION 11-20. 1. The canvass of the returns of a city primary shall be made by the city clerk and the chairman of the city party committees of the various recognized parties in such city, any two of whom shall constitute a quorum.

2. Such board of canvassers shall meet at eleven o'clock in the forenoon of the day following the city primary and canvass the vote substantially as provided by sections 82 and 83, statutes of 1898.

3. They shall make and certify duplicate returns as to the votes cast for the candidates and forthwith certify and file one complete return with the city clerk and deliver so much of the other as relates to each party to the respective city chairman.

4. So far as applicable and not otherwise provided herein, the provisions of this act shall apply to all city primaries; provided, that nomination papers therefor shall be filed at least fifteen days, a list of candidates posted and published at least ten days, and the official ballot printed at least four days before the day of holding such primaries. [1903 c. 451 s. 20; 1905 c. 179 s. 1; Supl. 1906 s. 11-20; 1907 c. 118, 666.]

Party committees; precinct; election. SECTION 11—21. 1. (a) At the September primary each voter may write in the space left on his ticket for that purpose the name of not to exceed one qualified elector of the precinct for his party precinct committee. The person having the highest number of votes shall constitute such committee.

(b) In counties containing a city of the first class each voter may at such primary write in the space left on his ticket for that purpose the names of not to exceed three qualified electors of the precinct for members of his party precinct committee. The three having the highest number of votes shall constitute such committee.

(c) The official return made by the inspectors shall show the name and address of each party committeeman chosen.

First class cities; ward chairman and county committee; certificates of precinct committeemen. 2. In counties containing a city of the first class the chairman of each party county committee shall call a meeting of the various precinct committees in each respective ward of such city for the purpose of electing a ward chairman which said ward chairman together with the chairmen of the election precincts outside of such city shall constitute the county committee. Such meeting shall be held on the first Friday succeeding the holding of such primary and notice thereof shall be given in writing. In such counties the precinct inspectors of election shall make out, upon forms to be furnished by the county clerk, and within forty-eight hours after the canvass has been completed, deliver a certificate of election to the three candidates for party precinct committeemen of each political party receiving the highest number of votes of their respective party for that office; which certificate shall show the total number of votes cast by the respective party in the precinct for each candidate for party precinct committeeman; and which certificate shall also designate the time and place of meeting at which the members of the precinct committees of their respective party shall choose a member of the county committee, as provided elsewhere in this act. The certificate of election shall have substantially the following form:

This is to certify that Mr., a qualified elector of (the precinct of the town of) or (the precinct of the ward of the city of), county of and state of Wisconsin, and whose address is, has been elected a party precinct committeeman of the party for the above-named precinct, at the primary, held Tuesday, September, 19...

The total number of votes cast by the party in (the precinct of the town of) or (the precinct of the ward of the city of) county of and state of Wisconsin, for each candidate for party precinct committeeman is as follows:

Name of Candidate	Address	No. of Votes
.....
.....

In accordance with law and the designation of the chairman of the county committee of the party, the precinct committees of the party of the (ward) or (village) or (township) shall meet on Friday, September, 19.., at (name place) at o'clock, to elect a member of the county committee.

.....,

Inspectors of Election.

Tie for committeeman. 3. In case of a tie, the inspectors of election shall decide by lot.

Term of committeemen. 4. The term of office of each party committeeman elected shall be for the two years next succeeding the date of his election.

City committees. 5. The city committee of each political party shall consist of the several precinct committees in such city. It shall be the duty of the chairman of each party county committee to call, within ten days after the September primary, a meeting of such members of the city committee at a place to be designated by him. They shall at such meeting elect a chairman and such other officers as they shall deem necessary. The chairman of the precinct committees now in existence in any city shall constitute the city committee thereof, and it shall be the duty of the chairman of each party county committee to call a meeting of said chairmen at least sixty days prior to the next ensuing municipal election for the purpose of organization as aforesaid.

County committees. 6. Except in counties containing a city of the first class the county committee of each party shall consist of the several committees from each election precinct in the county elected at the September primary.

County chairman's call. 7. In all counties the chairman of the county committee shall within two days after the completion of the official county canvass of said primary

call a meeting of said county committee, by giving each member thereof a notice in writing at least five days prior to the holding of such meeting.

County committees; organization; congressional committees. 8. The county committee shall at such meeting elect a chairman, secretary and treasurer of the county committee, and such other officers or subcommittees as they may deem necessary, and two persons from each assembly district in the county to be members of the congressional district committee, but where an assembly district comprises two or more counties, then there shall be one member from each county. In counties constituting one or more assembly or senatorial districts the members of the county committee residing within the territory of such assembly or senatorial districts shall constitute the party committee for such assembly or senatorial district and they may, at such meeting of the county committee, elect a chairman, secretary and treasurer and such other officers as they may deem necessary.

Assembly and senatorial committees; congressional committees; meetings to organize. 9. In assembly districts or state senatorial districts embracing more than one county the county committee of each county shall elect two persons to be members of such assembly district or state senatorial district committee. The chairman of each county committee shall immediately certify to the chairman of the state central committee the name and post-office address of each person elected a member of said assembly or senatorial district committee, whose duty it shall be upon receipt thereof to call a meeting of the members of such assembly or senatorial district committee for the purpose of organization, such meeting to be called upon not less than five days' notice. The chairman of each county committee shall also certify to the chairman of the state central committee the name and post-office address of each person elected member of the congressional committee, upon receipt of which the said chairman shall immediately call a meeting of said members for the purpose of organization, such notice to be given at least five days prior to such meeting.

Powers of committees and their officers. 10. Each committee and its officers shall have the powers usually exercised by such committees, and by the officers thereof, in so far as is consistent with this act. The various officers and committees now in existence shall exercise the powers and perform the duties herein prescribed until their successors are chosen in accordance with this act.

Vacancies in committee offices. 11. Any vacancy in any committee office shall be filled by the county committee, except that the chairman of the county committee may temporarily fill any vacancy. [1903 c. 451 s. 21; 1905 c. 359 s. 2; Supl. 1906 s. 11-21; 1907 c. 118, 666; 1909 c. 366, 372]

Platform convention; state central committee. SECTION 11-22. 1. The candidates for the various state offices, and for the senate and assembly nominated by each political party at such primary, and senators of such political party, whose term of office extends beyond the first Monday in January of the year next ensuing, shall meet at the capitol at twelve o'clock noon on the third Tuesday of September in the year in which any primary is held preliminary to any general election. They shall forthwith formulate the state platform of their party. They shall thereupon proceed to elect a state central committee of at least two members from each congressional district and a chairman of such committee by ballot. After December 1, 1912, in the years in which presidential elections are held the convention shall nominate, by a majority vote, one elector for president and vice president from each congressional district, and two such electors from the state at large. The names of such nominees shall be immediately certified by the chairman and secretary of the meeting to the secretary of state. They shall perform such other business as may properly be brought before such meeting. The platform of each party shall be framed at such time that it shall be made public not later than six o'clock in the afternoon of the following day.

2. The chairman and secretary of the platform convention of each party shall, within thirty days after the holding of said convention, file with the secretary of state a certified copy of the proceedings thereof and of the platform adopted. [1903 c. 451 s. 22; 1905 c. 359 s. 14; Supl. 1906 s. 11-22; 1907 c. 118, 666; 1911 c. 300, 610; Supl. S. 1912 c. 22]

Tie vote. SECTION 11-23. 1. In case of a tie vote, the tie shall forthwith be determined by lot by the canvassers.

Forms for primary. 2. It shall be the duty of the secretary of state to prepare all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primaries held in pursuance hereof. Such form shall be printed with copies of this act for public use and distribution.

Holiday. 3. Every day on which a September primary shall be held shall be a legal holiday. [1903 c. 451 s. 23; Supl. 1906 s. 11-24; 1907 c. 118, 666]

Bribery of signers; excess of signatures; penalty. SECTION 11—24. 1. Any person who shall offer, or with knowledge of the same, permit any person to offer for his benefit any bribe to a voter to induce him to sign any nomination paper, and any person who shall accept any such bribe or promise of gain of any kind in the nature of a bribe as consideration for signing the same, whether such bribe or promise of gain in the nature of a bribe be offered or accepted before or after such signing, or any candidate who shall knowingly cause a nomination paper, or papers, to be signed in his behalf by more than the maximum number of qualified electors provided for his district by subdivision 5 of section 11—5 of this act, shall be guilty of a misdemeanor, and upon trial and conviction thereof, be punished by fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment in the county jail of not less than ten days nor more than six months, or by both such fine and imprisonment.

Caucus and general election penalties applied. 2. Any act declared an offense by the general laws of this state concerning caucuses and elections shall also, in like case, be an offense in all primaries, and shall be punished in the same form and manner as therein provided, and all the penalties and provisions of the law as to such caucuses and elections, except as herein otherwise provided, shall apply in such case with equal force, and to the same extent as though fully set forth in this act.

Forgery of signatures. 3. Any person who shall forge any name of a signer or witness to a nomination paper shall be deemed guilty of forgery, and on conviction punished accordingly.

Nomination papers; penalty for not filing. 4. Any person who, being in possession of nomination papers entitled to be filed under this act, or any act of the legislature, shall wrongfully either suppress, neglect or fail to cause the same to be filed at the proper time in the proper office, shall on conviction be punished by imprisonment in the county jail not to exceed six months, or by a fine not to exceed five hundred dollars, or by both such fine and imprisonment in the discretion of the court. [1903 c. 451 s. 24; S^{pl.} S. 1905 c. 3 s. 5; S^{pl.} 1906 s. 11—24; 1907 c. 118, 666]

General election laws applicable. SECTION 11—25. The provisions of the statutes now in force in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making return thereof, and all other kindred subjects, shall apply to all primaries in so far as they are consistent with this act, the intent of this act being to place the primary under the regulation and protection of the laws now in force as to elections. [1903 c. 451 s. 25; S^{pl.} 1906 s. 11—25; 1907 c. 118, 666]

Liquor; sale or gift penal. SECTION 11—25^m. Any person who shall sell, give away or barter, any intoxicating liquors on a primary election day the person so offending shall be punished by a fine of not less than five nor more than twenty-five dollars, or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment. [1907 c. 666]

National convention delegates; election expenses; alternates. SECTION 11—26. 1. There shall be chosen at an election held in each precinct of the state on the first Tuesday of April in each year in which electors for president and vice president of the United States are to be elected, delegates to the national convention of each party, to nominate candidate for president and vice president.

2. Except as herein otherwise provided, such elections shall be noticed, held and conducted, and the results canvassed and returned in the same manner that elections of judges of the supreme and circuit courts are noticed, held and conducted and the results canvassed and returned. The expense incurred in the preparation for or conducting such election shall be paid in the same manner and by the same officers as in the case of said judicial elections.

3. The four candidates for delegates at large of each political party, receiving the highest number of votes, shall be the delegates at large.

4. The two candidates for delegates of each political party, in each congressional district, receiving the highest number of votes shall be delegates from such district.

5. It shall be the duty of the state central committee of each political party between the holding of such election and at least fifteen days prior to the holding of the party national convention, to meet and elect four alternate delegates at large and two alternate delegates from each congressional district. Said meeting shall be called by the chairman of the party state central committee, upon at least ten days' notice.

6. For the purpose of enabling every voter to express his choice for the nomination of candidates for president and vice president of the United States, whenever there shall be filed with the secretary of state nomination papers as provided by sections 11—5 and 11—6 of the statutes, the names of such candidates shall be certified to the county clerks,

and shall be printed as certified upon the official party ticket used at the election of delegates. No signature, statement or consent shall be required to be filed by any such candidate. [1905 c. 369 s. 1; Supl. 1906 s. 11—26; 1907 c. 118, 512; 1911 c. 300; Spl. S. 1912 c. 22]

Nomination papers; parties must file. SECTION 11—27. 1. Nominations for candidates for president and vice president and for delegates shall be made by nomination papers, in the manner provided by sections 11—5 and 11—6 of the statutes, except that the nomination paper shall refer to the election to be held on the first Tuesday of April, in the year in which such candidates are to be voted for, and except that the nomination papers and ballot for any delegate may contain a statement of the principles or candidates favored by such candidate for delegate, which statement shall follow his name and be expressed in not more than five words. The number of signers on nomination papers of candidates for president, vice president and delegates at large shall be the same as for state officers, and of candidates for district delegates as for members of congress, and nomination papers for such candidates shall be filed in the office of the secretary of state.

2. No political party shall be entitled to participate in the election of delegates unless nomination papers have been filed with the secretary of state as provided herein. [1905 c. 369 s. 2; Supl. 1906 s. 11—27; 1907 c. 118, 512; Spl. S. 1912 c. 22]

Official ballot. SECTION 11—28. 1. (a) An official ballot shall be printed and provided for use at each voting precinct in the form provided herein and annexed hereto. The names of all candidates for delegates for whom nomination papers prescribed shall have been duly filed, shall be printed thereon.

(b) The names of the candidates for president and vice president shall be placed first in each party column underneath the party designation, and immediately above the names of said candidates, respectively, shall appear the words, "For President," "For Vice President."

Party tickets. 2. Said official ballot shall be made up of the several party tickets, arranged alphabetically according to party name, all of which shall be securely fastened together at the top and folded; provided, that there shall be as many separate tickets as there are parties entitled to participate in said election.

Names, rotated. 3. The names of all candidates shall be arranged according to surname under the appropriate title and under the proper party designation upon the party ticket, and rotated in accordance with the provisions of section 33 of the statutes, as amended by this act.

Voting. 4. After preparing his ballot, the elector shall detach the same from the remaining tickets and fold it so that its face will be concealed and the printed indorsements and signatures or initials thereon seen. The remaining tickets attached together shall be folded in like manner by the elector who shall thereupon, without leaving the polling place, vote the marked ballot forthwith and deposit the remaining tickets in a separate ballot box to be marked and designated as the blank ballot box.

Blank tickets. 5. Immediately after the canvass the inspectors shall, without examination, destroy the tickets deposited in the blank ballot box.

Void votes. 6. Whenever any elector shall vote for more than four delegates at large his vote shall not be counted for any of such delegates. Whenever any elector shall vote for more than two district delegates his vote shall not be counted for any such delegates.

Form. 7. The official ballot for the election of delegates to the national convention shall be in substantially the same form marked "A." [1907 c. 512; 1909 c. 483; 1911 c. 300]

OF ELECTORS AND GENERAL ELECTIONS.

Electors, who are. SECTION 12. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote ten days, shall be deemed a qualified elector at such election:

(1) Citizens of the United States.

(3) Persons of Indian blood who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

(4) Civilized persons of Indian descent not members of any tribe.

(5) Any civilized person, being a descendant of the Chippewas of Lake Superior or any other Indian tribe, residing within this state, and not upon any Indian reservation, who shall make and subscribe to an oath before the clerk of the circuit court or his deputy

of the county where such person resides that he is not a member of any Indian tribe, and has no claim upon the United States for aid and assistance from any appropriation made by congress for the benefit of Indians, and that he thereby relinquishes all tribal relations, and all right to claim or receive such aid, shall be entitled, on such oath being filed and recorded, to vote at all elections held in this state, if he is otherwise qualified. The oath so taken, on being corroborated as to the residence and tribal relations of such person by the affidavit of a qualified elector, shall be filed in the office of the clerk before whom it was taken and recorded by him in a book to be provided for that purpose, upon such person paying to said clerk the sum of one dollar.

(6) Every woman who is a citizen of this state, of the age of twenty-one years or upwards, who has resided within the state one year and in the election district where she offers to vote ten days preceding any election pertaining to school district matters and the election of school district officers, and who is not a pauper or excluded by section 2 of article 3 of the constitution, may vote at any election pertaining to such matters and the election of such officers in any town, city or village in which she has so resided. [*R. S. 1849 c. 6 s. 1, 2; R. S. 1858 c. 7 s. 1; R. S. 1878 s. 12; 1883 c. 39 s. 1; Ann. Stats. 1889 s. 12; 1893 c. 288; Stats. 1898 s. 12; 1913 c. 773 s. 7*]

Where votes cast; wagers. SECTION 13. No elector shall vote except in the town ward, village or election district in which he actually resides; provided, that all persons residing upon Indian lands within any county of the state, and qualified to exercise the right of suffrage, shall be entitled to vote at the polls which may be held nearest their residence for state, United States or county officers; but no person shall vote for county officers out of the county in which he resides. No person who shall have made or become interested, directly or indirectly, in any bet or wager depending upon the result of any election at which he shall offer to vote shall be permitted to vote at such election; and any person who shall have been convicted of bribery shall be excluded from the right of suffrage unless restored to civil rights. [*1857 c. 55 s. 3; R. S. 1858 c. 7 s. 29; R. S. 1878 s. 13; Ann. Stats. 1889 s. 13; 1893 c. 288 s. 2; Stats. 1898 s. 13*]

Elections, when held. SECTION 14. The general elections prescribed in the constitution shall be held in the several towns, wards, villages and election districts on the Tuesday next succeeding the first Monday in November in the year 1898, and biennially thereafter, at which time shall be chosen such United States senators, representatives in congress, electors of president and vice president, state senators, members of assembly, state officers and county officers as are by law to be elected in such year. [*R. S. 1849 c. 6 s. 3; R. S. 1858 c. 7 s. 3; R. S. 1878 s. 14; 1883 c. 39 s. 2; Ann. Stats. 1889 s. 14; Stats. 1898 s. 14; 1913 c. 634*]

Elections, where held. SECTION 15. All elections under this and the next two following chapters shall be held:

(1) In cities, in the wards or election districts, at the place or places to be ordered by the common councils thereof, respectively, at least four months before such election, unless otherwise provided by law.

(2) In villages, at the place in each election district thereof to be ordered by the trustees at least four months before such election, unless otherwise provided by law.

(3) In each town, at the place where the last town meeting was held, or at such other place as shall have been ordered by such meeting or by the supervisors, when they establish more than one election district as hereinafter provided; but the first election after the organization of a new town shall be at the place directed in the act, order or proceeding by which it was organized. [*R. S. 1849 c. 6 s. 7, 8; R. S. 1858 c. 7 s. 7; R. S. 1878 s. 15; Ann. Stats. 1889 s. 15; 1893 c. 288; Stats. 1898 s. 15*]

Authority to consolidate and divide election districts. SECTION 16. 1. Election districts as established may be divided into two or more districts in towns when the supervisors shall deem it for the convenience of the voters, and shall be divided when fifty or more electors thereof shall petition the board in writing therefor; and such division shall be made in wards, villages or towns when it shall appear that six hundred or more votes were cast in any such district therein at any election; provided, however, that no division shall be made in any town containing less than fifty sections of land unless it shall appear that four hundred or more votes were cast in such town at the last preceding general election.

2. Such division shall be made at least four months prior to the next succeeding general election and shall be so made that the districts shall be composed of compact, contiguous territory, no one of which shall contain over five hundred voters. The order or resolution making such division shall be filed with the proper city, village or town clerk, who shall within five days after such filing transmit a copy thereof to the county

clerk, and in towns and villages the clerks thereof shall post copies of such order or resolution in five public places therein.

3. The order or resolution shall designate the districts by numbers, and the place where the election in each shall be held, which place shall be fixed with a view to the convenience of the largest number of voters.

4. The order dividing a town into districts shall designate the persons who shall act as election officers, if present in the district or districts thereby created.

5. The persons so designated shall possess the qualifications hereinafter prescribed, and represent the political parties in accordance with the provisions of this chapter respecting the officers of election in cities and villages. One of the persons named as inspectors for each district shall be designated as chairman.

6. When a town is thus divided into election districts, the annual town meeting and all judicial and special town elections shall be held at election district number one; all other elections shall be held at the districts as divided.

7. It shall be competent for town boards, village trustees or common councils to change the boundaries of election districts without creating new districts, or to consolidate two or more districts within the same town, village or city, subject to the foregoing conditions as to time, compactness of territory, filing of a copy of the order or resolution and posting copies thereof. [*R. S. 1858 c. 7 s. 23; 1864 c. 144; 1871 c. 162; 1876 c. 336 s. 1; R. S. 1878 s. 27; Ann. Stats. 1889 s. 27; 1893 c. 288 s. 4, 5; 1893 c. 288 s. 37, sub. 3; Stats. 1898 s. 16; 1899 c. 351 s. 1; 1901 c. 333 s. 1; Supl. 1906 s. 16; 1907 c. 118, 278.*]

Division may be compelled. SECTION 17. If the council or board whose duty to make a division shall have become imperative under the preceding section shall fail or refuse so to do as therein specified, any voter of such city, town or village may apply to the proper circuit court or the presiding judge thereof for an order compelling such division. Such court or judge may, after reasonable notice has been given to the council or board proceeded against, order such division if it appear that it has become the duty thereof to make the same. Failure to obey such order within the time specified, unless the same be stayed or superseded, shall be deemed a criminal contempt. Until divided all elections shall be held in the districts as previously established. [*1893 c. 288 s. 6; Stats. 1898 s. 17.*]

Liquors not sold where election held; forfeiture. SECTION 18. No election for any purpose whatever shall be held in a room where intoxicating liquors are on sale or are usually sold, nor in any room communicating with a place where such liquors are then or are usually sold, nor shall any beer or any other intoxicating liquors be admitted or drunk in any room or booth where any election is being held. Any officer whose duty it shall be to hold, manage, supervise or inspect any election who shall offend against the provisions of this section shall forfeit not more than one hundred dollars nor less than twenty-five dollars, and the costs of the prosecution. Actions to recover such forfeiture may be instituted by any citizen. [*1887 c. 219; Ann. Stats. 1889 s. 15a; 1893 c. 288 s. 7; Stats. 1898 s. 18; 1903 c. 132 s. 1; Supl. 1906 s. 18; 1907 c. 118.*]

Change of place. SECTION 19. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the board of inspectors, after having assembled at, or as near as practicable to, such place, and before receiving any votes, may adjourn to the nearest convenient place for holding the election, and at such adjourned place shall forthwith proceed with the election. Upon such adjournment said board shall cause proclamation thereof to be made, and shall station a constable or other proper person at the place where the adjournment was made to notify all electors arriving at such place of the adjournment and the place to which it was made. [*R. S. 1849 c. 6 s. 8, 9; R. S. 1858 c. 7 s. 8, 9; R. S. 1878 s. 16; Ann. Stats. 1889 s. 16; 1893 c. 288 s. 8; Stats. 1898 s. 19.*]

General election; newspaper notice in August. SECTION 20. 1. The secretary of state, between the first day of August and the first day of September in each year in which state officers, United States senators, representatives in congress, members of the assembly and state senators are to be elected for a full term of office, or in which electors of president and vice president are to be elected, shall make out a notice in writing stating that at the next general election to be held on the Tuesday next succeeding the first Monday in November following the officers aforesaid, or so many of such officers as are then to be chosen, are to be elected, and specifying in the case of such representatives and senators the respective districts in which they are to be elected, and shall publish a copy of such notice in a newspaper printed at the seat of government once in each week from the date of such notice until the election to which it refers. The expense of such publications shall be charged to the proper appropriation for the secretary of state.

Printer's rates; notices of popular vote. 2. The compensation for the publication of such notice shall not exceed fifty cents per folio for the first insertion and thirty cents per folio for any subsequent insertions. The secretary of state shall transmit by mail a like notice to the county clerk of each county, specifying the said officers to be voted for in said county, and in case of a senator, the number of his district, and also any constitutional amendment or other question to be submitted to the electors of the state for a popular vote. The secretary of state shall append to each such constitutional amendment or other question to be submitted to the people a brief statement of the change that will be made in the constitution or the existing laws if such amendment or other question so submitted shall be ratified or approved by the people at such election. Such statement shall contain no argument for or against any such amendment or other question so submitted. [*R. S. 1858 c. 7 s. 10, 12, 13; R. S. 1878 s. 17; 1883 c. 327 s. 1; Ann. Stats. 1889 s. 17; 1893 c. 288 s. 9; Stats. 1898 s. 20; 1905 c. 360 s. 1; Supl. 1906 s. 20; 1907 c. 118, 362; 1913 c. 412, 631; 1913 c. 772 s. 108; 1913 c. 773 s. 93*]

Publication of notice. SECTION 21. The county clerk thereupon shall forthwith cause a notice containing so much of the notice so received by him as relates to any question and statement concerning the same and officers to be voted for in his county, together with a statement of the several county officers to be elected by the voters of his county to be published as follows: In counties containing a population of two hundred and fifty thousand such notice shall be published in not less than two and not more than four newspapers published therein; in all other counties of the state such notice shall be published in not more than two newspapers published therein, one of which publications shall be made in a newspaper which advocates the principles of the political party which at the last preceding election cast the largest number of votes, and another publication shall be made in a newspaper which advocates the principles of the political party that then cast the next largest number of votes. Such notice shall be published once each week until election, and shall be transmitted by mail to each town clerk, and the clerk of each village in which the next ensuing general election will be held, and to one of the inspectors of election in each election district in every city of his county. Whenever the office of county clerk is vacant and there shall be no person authorized to perform his duties, the sheriff shall make out and so transmit such notices. [*R. S. 1849 c. 6 s. 16, 18; R. S. 1858 c. 7 s. 16, 18; 1873 c. 48; R. S. 1878 s. 18; 1883 c. 327 s. 2; Ann. Stats. 1889 s. 18; 1893 c. 288 s. 10; Stats. 1898 s. 21; 1899 c. 96 s. 1; 1903 c. 408 s. 1; 1905 c. 342 s. 1; Supl. 1906 s. 21; 1907 c. 118; 1913 c. 412*]

City, village and town officers' notice. SECTION 22. Every such town and village clerk and inspector shall, ten days previous to any general election or on receiving any such notice, give to the town, village and election district electors, respectively, notice of such election by posting notices in five conspicuous places in their towns, villages and election districts, stating the time when and place where the election will be held, the questions and statement concerning each appearing in the county clerk's notice which are to be submitted to the electors of the state for a popular vote, the officers to be voted for, whether any of them are to be chosen to fill vacancies, in which case the names of the last incumbents of the offices in which vacancies exist shall be given. [*R. S. 1849 c. 6 s. 17; R. S. 1858 c. 7 s. 17; R. S. 1878 s. 19; Ann. Stats. 1889 s. 19; 1893 c. 288 s. 11; Stats. 1898 s. 22; 1913 c. 412*]

REGISTRY OF ELECTORS.

When and where required. SECTION 23. 1. In each year when a general election is by law required to be held, a registry of electors shall be made in each ward or election district of every city, and in every ward or election district in every incorporated village, which city or village at the last previous census had a population of five thousand or more, and in every town having a population of five thousand or more at such census. And until a census shall be so taken, and the population of such city or village determined as herein mentioned, no registry shall be held or taken therein, or in such towns as aforesaid. The village board in villages having a population of less than fifteen hundred may adopt the registry, or twenty per cent of the voters in such village, according to the number of votes cast at the last general election, may by a petition to the village president, filed at least forty days before any municipal, judicial or general election, demand a registry for such election. Such registration shall be made in the manner provided by this chapter.

2. No vote shall be received at any general election in any ward or election district within this section, if the name of the person offering to vote be not on said registry as completed, except as hereinafter provided; but in case any one shall, after the last day for completing such registry and before such election, become a qualified voter of the

election district, he shall, upon complying with the provisions of this chapter, have the same right to vote as if his name had been registered.

3. In cities and villages having a population of more than two thousand, and less than five thousand at the last previous census, the common council of such cities and the trustees of such villages may by ordinance or resolution declare and provide that registration shall be had in such cities and villages. [1861 c. 445 s. 1; 1865 c. 296 s. 1; 1877 c. 202; 1876 c. 302, 336; 1877 c. 264 s. 2; R. S. 1878 s. 20; 1878 c. 317; 1880 c. 234; 1881 c. 333; 1885 c. 310; Ann. Stats. 1889 s. 20; 1893 c. 288 s. 12; 1897 c. 372 s. 2; Stats. 1898 s. 23; 1903 c. 420 s. 1; Supl. 1906 s. 23; 1907 c. 118, 633; 1911 c. 417]

Registration of electors in other cases. SECTION 23a. The provisions of section 23 of the statutes of 1898 shall apply to all general and municipal elections and annual town meetings in all cities, villages and towns, not therein provided for, the electors of which shall vote to adopt the same in the manner hereinafter provided.

Vote to adopt registration system; election. Such vote shall be taken at any general or municipal election or annual town meeting whenever a number of the qualified electors of any such city, village or town equal to or more than ten per centum of the number of the votes cast therein for governor at the last general election shall present to the clerk thereof a petition in writing, signed by them, praying that the electors thereof may have submitted the question of whether or not the provisions of said section 23 shall be adopted by said city, village or town, respectively. Notice of such election shall be given in cities in the same manner as provided by law for the giving of notice of an annual or municipal election therein, and in villages and towns by posting notices in at least three public places in said village or town, not less than ten days before the day of such general or municipal election or annual town meeting. The election on such question shall be held and conducted and the returns canvassed in the same manner as elections in such city, village, and elections and town meetings in such town are held, conducted and canvassed, respectively.

Ballots, how printed. The ballots upon the question so submitted shall be deposited in a separate ballot box and shall contain the words:

“For registration.”

“Against registration.”

If a majority of all the votes cast on that question shall be for registration, then said section 23 shall apply to all annual and municipal elections and annual town meetings thereafter held in said city, village or town, until the electors thereof shall in the same manner determine to the contrary and all the provisions of law relating to the manner of making and conducting registration in cities, villages and towns shall apply to such city, village or town, respectively. [1905 c. 454 s. 1, 2; Supl. 1906 s. 23a; 1907 c. 118]

Application to local and judicial elections. SECTION 24. The preceding section shall apply to the annual municipal and judicial elections in all cities, villages and towns specified therein, unless the common council of such city, or the board of trustees of such village, or the board of supervisors of such town shall, by ordinance or resolution, otherwise declare and provide; but no such ordinance or resolution shall apply to any such election to be held within thirty days after the adoption of the same by such common council, trustees or supervisors. [1889 c. 499; Ann. Stats. 1889 s. 20a; 1893 c. 288 s. 1; 1897 c. 372 s. 3; Stats. 1898 s. 24]

Board of registry; meetings. SECTION 25. The persons authorized by law to act as inspectors of election in each of such villages, towns, wards or election districts, shall constitute the board of registry therefor. They shall hold their first meeting on Tuesday, four weeks preceding the general election, and may also meet if registration is to be had at municipal or judicial elections in towns having a population of three thousand or more, four weeks preceding such municipal or judicial election, at the place where said election is to be held; and in election districts at which there were polled at the previous general election three hundred votes or less they shall sit for one day, and in districts at which there were more than three hundred votes polled they may sit two days, if necessary for the purpose of making such list. They shall meet at nine o'clock in the forenoon and hold their meeting open until eight o'clock in the evening of each day during which they shall so sit. In villages where less than two hundred votes were polled at the last general election the board of registry shall only be in session one-half day at each meeting, from two o'clock in the afternoon until eight o'clock in the evening. The persons appointed to act as clerks of election shall act as clerks of such board on the day of election only. Their proceedings shall be open, and all electors of the district shall be entitled to be heard in relation to corrections or additions to said registry. They shall have the same power to preserve order which inspectors of election have on election

days; and vacancies in the board shall be filled in the same manner that vacancies are filled at elections. [1864 c. 445 s. 1, 4, 5, 10, 13; 1865 c. 296 s. 1; 1877 c. 264 s. 5, 13; R. S. 1878 s. 20, 21; 1878 c. 317; 1880 c. 234; 1881 c. 333; 1885 c. 310; 1885 c. 389 s. 2; Ann. Stats. 1889 s. 20, 21, 22b; 1893 c. 288 s. 14; Stats. 1898 s. 25; 1903 c. 381 s. 1; Supl. 1906 s. 25; 1907 c. 118; 1911 c. 417]

First meeting; inspectors' oaths; list how made. SECTION 26. 1. Said inspectors, before doing any business, shall severally take and subscribe the oath of inspectors at a general election, and shall, at their first meeting, make a registry of all the electors of their respective districts, placing thereon the full names, alphabetically arranged according to surnames, in one column, and in another the residence by number and name of street or other location if known. If any elector's residence is at any hotel or public boarding house, the name of the same shall be stated in the registry.

Poll lists. 2. They shall put thereon the names of all persons residing in their election district appearing on the poll lists kept at the last preceding general and municipal elections, and may take therefor such lists from the office where kept, omitting therefrom the names of such as have died or removed from the district, and adding the names of all persons known to them to be electors therein, except that at the meetings of the board of inspectors held immediately preceding the first election requiring registration, after the first day of December, 1912, in cities of the second, third and fourth classes, and villages and towns in which registry is required, such inspectors shall make a new registry of electors for such election, and shall place thereon the names of all persons residing in their election district known by them to be qualified electors and the names of all electors who appear in person or through a responsible elector of the voting precinct known to said inspectors, request that their names be placed on such registry. Such inspectors shall hold their first meeting on Monday and the following Tuesday three weeks preceding such election; their second meeting on primary election day and the following Tuesday preceding such election.

New election district. 3. In case of the formation of a new election district since such election, the said board therein may make such registry from the best means at their command, and may, if necessary, procure therefor certified copies of the last poll lists.

Certification, posting. 4. They shall complete said registry, as far as practicable, at their first meeting, and make four copies thereof and certify the original and each copy to be a true list of the electors in their district, so far as the same are known to them; and one of said copies shall be immediately posted in a conspicuous place in the room in which their meeting was held, and be accessible to any elector for examination or making copies thereof, and one copy shall be retained by each inspector for revision and correction at the second meeting.

Filing, printing, posting. 5. They shall within two days after such first meeting file the original registry made by them and said poll lists in the office of the proper town, city or village clerk, and such clerk shall cause a sufficient number of such registry lists to be printed, not exceeding one hundred of each, and shall cause to be posted in each precinct within such town, village or city six copies thereof.

Contract for printing. 6. The town, city or village clerk shall obtain from at least three persons within the county sealed proposals for the printing of said lists and shall award the contract thereof to the lowest competent and responsible bidder. [1864 c. 445 s. 1, 2, 9; 1866 c. 126 s. 1; 1871 c. 134 s. 1; 1877 c. 264 s. 3, 4; R. S. 1878 s. 22; 1878 c. 317; 1885 c. 389 s. 2-6; 1887 c. 16 s. 2; Ann. Stats. 1889 s. 22, 22c-f; 1893 c. 288 s. 15; 1897 c. 337 s. 1; Stats. 1898 s. 26; 1909 c. 400; 1911 c. 632; Spl. S. 1912 c. 6; 1913 c. 8]

Duty of inspectors; method of registration. SECTION 26a. The inspectors of election in all cities of the first, second and third class shall make a register of all electors of their respective precincts, arranging the names in such manner that all electors residing on the same street are grouped and in numerical order, commencing with the lowest house number from one boundary line of such election precinct to the highest house number on the same street within the boundaries of such precinct. The printed, registered list shall have the names of the various streets displayed in heavy type over each group of electors residing on such street within the precinct boundaries, and such streets shall be arranged in successive geographical order from east to west and north to south. [1901 c. 393 s. 1; Supl. 1906 s. 26a; 1907 c. 118]

In cities of first class; how often made; meetings. SECTION 26b. In all cities of the first class such inspectors shall make a new registry of electors for each municipal and general election, and no previous registry, or registry list, shall be copied or used in whole or in part in making the same, and no person's name shall be placed upon such registry unless the elector appear in person before the inspectors and request that his

name be registered. Such inspectors shall hold their first meeting on Monday and the following Tuesday, four weeks preceding such election. They shall meet at six o'clock in the forenoon and hold their meetings open until eight o'clock in the evening of each day during which they shall so sit. They shall hold their second meeting on the Monday preceding the Tuesday next preceding the election. [1901 c. 393 s. 2; 1903 c. 320 s. 1; *Supl.* 1906 s. 26b; 1907 c. 118]

Second meeting; revision of list. SECTION 27. The inspectors shall hold their second meeting at the place designed for holding elections on the Tuesday next preceding the election. They shall meet at nine o'clock in the forenoon and hold their meeting open until eight o'clock in the evening. They shall revise and correct the registry: First, by erasing the name of any person who shall be proved to their satisfaction, by the oath of two electors of the district, to be not entitled to vote therein at the next ensuing election, unless such person shall appear, and, if challenged, shall answer the questions and take the oath hereinafter provided; second, by entering thereon the name of every elector entitled to vote in the district at the next election who shall appear and require it, and state his place of residence, giving street and number, if numbered, or location, as hereinbefore provided, and, if challenged, answer the questions and take the oath provided in case of a challenge at an election; but, if any such person shall refuse to answer all such questions or to take such oath, his name shall not be registered. Any person who is not twenty-one years of age before the date when the registry is required to be corrected, but will be if he lives until the day of election, shall have his name put on such registry if he be otherwise qualified to be an elector. Any elector who did not vote at the previous general election shall be entitled to be registered, either at the preliminary or final registration of electors, by appearing before the board of his election district and establishing his right to be registered, or, instead of a personal appearance, he may make his application to be registered in writing. Such application shall state the name and period of continuous residence in the election district and place of residence therein, giving the number and street of the applicant, and in case he is of foreign birth he shall state when he came to the United States and to this state, and the time and place of declaring his intention to become a citizen of the United States, and that he is entitled to vote at the election. Upon receiving such application the board shall register the name of such applicant if it appears that the applicant is by his statement entitled to vote. Such statement shall be preserved by the board, and be filed in the office of the proper town, village or city clerk. Every person named in this section shall be subject to the same punishment for any false statement or other offense in respect thereto as is provided in case of such false statement or other offense by an elector offering to vote at an election. After such registry shall have been fully completed on the day above mentioned, no names shall be added thereto except as hereinafter provided. Within three days after the second meeting the said board shall cause at least six copies of the registry to be made or printed, each of which shall be certified by them to be a correct registry of the electors of their district, one of which shall be kept by each inspector for use on election day, and two shall be forthwith filed in the office of the proper town, city or village clerk. All registries shall at all times be open to the public inspection at the offices where deposited without charge. Within three days after completing the registry the inspectors shall give notice by posting copies in five or more public places in each ward or election district in such city, village or town. No votes shall be received at any general election if the name of the person offering to vote be not on the registry as completed except as is provided in section 61. [1864 c. 445 s. 5, 7, 11; 1877 c. 264 s. 7, 8, 11; R. S. 1878 s. 23; 1878 c. 317; 1885 c. 389 s. 7, 8; 1887 c. 543; 1889 c. 199; *Ann. Stats.* 1889 s. 22a, 22h, 23; 1893 c. 288 s. 16, 17; 1897 c. 337 s. 2; *Stats.* 1898 s. 27]

Lists for local, etc., elections. SECTION 28. At city, village, town or judicial elections, when registration shall be required as provided in section 23, or at any special election held for the purpose of filling a vacancy in an office which by law is to be filled by a general election, the registration list used at the last preceding general election may be used; and the inspectors of election at each polling place named, on the day of election, shall revise the same by adding thereto the names of such persons as are known to them, or as shall be satisfactorily shown in the manner provided by law, to be entitled to vote at such election, and by striking therefrom the names of such as are known to them to have died or become disqualified since the last preceding registration. [1893 c. 288 s. 18; 1897 c. 372 s. 4; *Stats.* 1898 s. 28]

NOMINATION OF CANDIDATES.

Primaries in special elections. SECTION 29. 1. Whenever a special election shall be ordered as provided by section 94*n* of the statutes, all party candidates to be voted for at such election shall be nominated by a primary, which shall be held at a time to be fixed by the officer with whom the order for such special election is filed not less than fifteen nor more than thirty days after the date of the filing of such order. This section shall apply to the filling of vacancies in the office of member of the assembly, state senator, United States senator, representative in congress and county officers.

2. Notice of any such primary shall be given by the officer aforesaid forthwith upon the filing of the order for the special election, and publication thereof shall be made by the county clerk once in each week from the date of said order to the date of the primary.

3. Nomination papers shall be filed not later than eight days before the day of the primary.

4. When the primary embraces more than one county, the secretary of state shall, at least seven days prior thereto, transmit to each county clerk a certified list of all persons for whom nomination papers have been filed in his office.

5. Except as otherwise provided herein, the provisions of the statutes in relation to the holding of the September primary, in so far as applicable, shall apply to all primaries held under this section.

6. The electors of any town or village may assemble in caucus to make nominations of candidates for town and village offices, at which caucuses only qualified electors of such town or village shall participate and, on the demand of any elector, the vote shall be by ballot. Such caucus shall be held at least seven days prior to the day for holding the election. At each such caucus a caucus committee of three qualified electors shall be elected, who shall give at least five days' notice, fixing the time and place of the next caucus to be held in such town or village. [1889 c. 248 s. 1, 2; Ann. Stats. 1889 s. 23*a*; 1891 c. 379; 1893 c. 288 s. 19; Stats. 1898 s. 29; 1911 c. 613; 1911 c. 664 s. 145; 1913 c. 634, 686]

Independent or nonpartisan nominations. SECTION 30. 1. Independent or nonpartisan nominations may be made for any office to be voted for at any general, judicial, special or city election.

2. Such nominations shall be made by nomination papers, containing the name of the candidate, the office for which he is nominated, his business or vocation, residence, post-office address, and except as otherwise provided by law the party or principle he represents, if any, expressed in not more than five words.

3. To each separate nomination paper shall be appended the affidavit of a qualified elector to the effect that he is personally acquainted with all the persons who have signed the foregoing nomination paper, that they are electors and that their residence, post-office address and date of signing are truly stated therein. But such affidavit shall not be made by the candidate named therein.

4. Such nomination papers shall be signed, if for a candidate to be voted for throughout the state, by at least one thousand voters thereof; if for a candidate to be voted for throughout a county, district, or other division less than the state, or within a city or ward, by at least three per centum of the whole number of votes cast therein for governor at the last preceding general election, but in no case by less than fifteen voters.

5. Each voter shall sign for but one candidate for the same office, and shall add his residence, post-office address and the date of signing.

6. Such nomination papers shall be filed as follows: For candidates to be voted for throughout the state or any division or district embracing more than one county, in the office of the secretary of state, not more than forty nor less than seventeen days before the election for which the nominations are made; for candidates to be voted for wholly within one county, in the office of the county clerk, not more than forty nor less than fifteen days before such election; for candidates to be voted for wholly within one city, in the office of the city clerk, not more than fifteen nor less than four days before such election.

7. All such nomination papers shall be destroyed by the officer with whom they are filed, on the first day of January next succeeding the election, except such papers as may be material to any investigation or litigation then pending, which shall be preserved until the final determination of such investigation or litigation. All nomination papers heretofore filed and in the custody of any such officer shall be destroyed forthwith. [1889 c. 248 s. 3-10; Ann. Stats. 1889 s. 23*b*; 1891 c. 379 s. 3; 1893 c. 288 s. 20; 1897 c. 123; Stats. 1898 s. 30; 1899 c. 351 s. 2; 1911 c. 613; 1913 c. 492]

Judicial and school candidates. SECTION 31. No candidate for any judicial or school office shall be nominated or elected upon any party ticket, nor shall any designation

of party or principle represented be used in the nomination or election of any such candidate. [1913 c. 492]

Nonpartisan nominations; certification by secretary of state. SECTION 33. 1. Not less than fourteen nor more than twenty days before an election to fill any public office, the secretary of state shall transmit to each county clerk a certified list containing the name and post-office address of each person for whom nonpartisan nomination papers, or nomination papers for delegates to national conventions, have been filed in his office and entitled to be voted for at such election, together with a designation of the office for which he is a candidate, and the party or principles he represents.

New nominations. 2. In case of new nomination papers filed as provided in section 34 of the statutes, they shall be transmitted as provided in subsection 1 of this section.

Order of names. 3. In certifying the names of candidates for the office of justice of the supreme court, judge of the circuit court, state superintendent, and delegates to national party conventions, the secretary of state shall designate the order in which the names of candidates shall be printed upon the official ballot in each assembly district.

Districts, arrangement. 4. For the purpose of determining the order in which the names of candidates for justice of the supreme court, state superintendent, and delegates at large to national party conventions shall be placed upon the official ballot, the secretary of state shall number the assembly districts consecutively from one to one hundred in the order of their population, according to the last preceding census, beginning with the district having the largest population, which shall be numbered one.

District candidates. 5. In determining the order in which the names of candidates for circuit judge and district delegates to national conventions shall be placed upon the ballot, the secretary of state shall number the assembly districts or parts of a district within the judicial circuit or congressional district consecutively from one upwards, in the order of their population, according to the last preceding census, beginning with the district having the largest population, which shall be numbered one.

Names, arrangement. 6. The secretary of state shall arrange the surnames of the candidates for each office alphabetically for the first assembly district; thereafter for each succeeding district the name appearing first for each office in the last preceding district shall be placed last.

Constitutional amendments. 7. Whenever a constitutional amendment or other question is required to be submitted to a vote of the people, the secretary of state shall, not less than fourteen nor more than twenty days prior to the election at which such amendment or question is required to be submitted, transmit by mail a certified copy thereof to each county clerk in the state. [1889 c. 218 s. 3-10; Ann. Stats. 1889 s. 23b; 1891 c. 379 s. 5; 1893 c. 285 s. 23; Stats. 1898 s. 33; 1909 c. 483; 1913 c. 459]

Declination of nominee; filling vacancy; votes for dead nominee. SECTION 34. Any person nominated to office may decline and annul the same by delivering to the officer with whom his certificate of nomination or nomination paper is filed, three days before election in case of city officers, and nine days in other cases, a declination in writing signed by him and acknowledged before some officer authorized to take acknowledgments. Upon such declination or the death of a nominee the vacancy or any vacancy caused by the insufficiency of certificates of nomination or nomination papers may be filled in the same manner as original nominations, or by the committee representing the party, the chairman and secretary of which in such case shall make and deliver to the proper officer for filing a certificate, duly signed, certified and sworn to, as required in case of original certificates, setting forth the cause of the vacancy, name of new nominee, office for which nominated, and such other information as is required in case of original certificates. This certificate must be filed eight days before election, except in case of city offices, in which the time shall be two days; and when so filed shall have the effect of an original certificate. If such declination, death or the permanent removal of a nominee take place after the ballots are printed and before election, the proper chairman of the committee of the political organization of which such candidate was the nominee may make a nomination to fill the vacancy and provide the election boards with pasters containing the name of such nominee only, which shall be pasted upon each of the official ballots by the ballot clerks, before signing their initials thereon and delivering them to voters. If the nominee die after the ballots are printed, and no nomination shall be made as herein provided, the votes cast for him shall be counted and returned, and if he shall receive a plurality the vacancy shall be filled as in case of vacancies occurring by death after election. [1889 c. 218 s. 11, 12; Ann. Stats. 1889 s. 21 c; 1891 c. 379 s. 6; 1893 c. 288 s. 24; Stats. 1898 s. 31]

Order of judicial and school ballot. SECTION 35. 1. For the purpose of determining the order in which the names of candidates for county judge shall be placed on the

official ballot, the county clerk shall prepare a list of the election precincts in his county by arranging the various towns, cities, and villages of the county in alphabetical order and the wards or precincts of each city, village, or town in numerical order under the name of such city, village, or town.

2. For the purpose of determining the order in which the names of candidates for county superintendent of schools shall be placed on the official ballot, the county clerk shall prepare a list of the precincts in each superintendent district in his county by arranging the various towns, cities, and villages of the district in alphabetical order and the wards or precincts of each city, village, or town in numerical order under the name of such city, village, or town.

3. The county clerk shall arrange the surnames of all candidates for county judge and superintendent of schools alphabetically for the first precinct in the list, and thereafter, in each succeeding precinct, the name appearing first for each office in the last preceding precinct shall be placed last. [1913 c. 492]

NONPARTISAN ELECTIONS IN ALL CITIES.

Designation of principle limited. SECTION 35—20. No designation of any party or principle shall be used for any candidate for an elective office in any city on nomination papers or ballots at any general municipal election or primary therefor; except that a designation of principle, expressed in not more than five words, may be used when it does not contain in whole or in part the name or designation of any party or principle used in this state upon any nomination paper, notice, or ballot for the nomination or election of any candidate for any state or federal office. [S^{pl.} S. 1912 c. 11]

Filing of papers. SECTION 35—21. Papers for the nomination of any candidate for any office, filed by voters equal in number to not less than two per cent of those who voted for the candidate receiving the highest number of votes for such office at the last preceding municipal election, may be filed at the time and in the manner provided by law for the filing of nomination papers. No one elector shall sign such papers for more candidates for each office than there are persons to be elected to such office. [S^{pl.} S. 1912 c. 11]

Printing of names on ballots. SECTION 35—22. The name of each candidate so placed in nomination, and no others, shall be printed under a designation of the office for which he is named on the official ballot to be used at the primary election in cities holding primary elections. The order in which the names shall be so printed shall be determined by drawing lots by or under the supervision of the city clerk at his office, at twelve o'clock on the Monday first succeeding the last day for filing such papers. The office at the time of such drawing shall be open for the attendance of any elector who may desire to be present. [S^{pl.} S. 1912 c. 11]

Form of ballot; canvass. SECTION 35—23. The ballot shall be so arranged as to admit of any other person being voted for by the elector if he so desires, and shall be prepared so that an elector may designate his first and second choice as provided in section 11—12 of the statutes. The persons, equal in number to twice the number of persons to be elected to any office, receiving the highest vote for such office, determined under the rules provided by sections 11—16 and 11—17 of the statutes, shall be the nominees for such office, and their names, and no others, shall be placed upon the official ballot at the ensuing municipal election in cities in which primary elections are held. [S^{pl.} S. 1912 c. 11]

General laws apply. SECTION 35—24. Except in so far as they are inconsistent herewith, the laws of the state governing primary and general elections shall apply to such municipal elections. [S^{pl.} S. 1912 c. 11]

NOMINATIONS IN TOWNS AND VILLAGES.

Nominations for town or village offices. SECTION 35—30. 1. At any election at which town or village officers are to be elected, candidates for any office shall be nominated either by caucus as provided in subsection 6 of section 29 or by nomination papers signed by electors of such town or village equal in number to ten per cent of all the votes cast in such town or village for all candidates for governor at the last preceding general election. Such nomination papers shall conform to the provisions of subsections 2 and 5 of section 30 of the statutes. Such nomination papers shall be filed in the office of the town or village clerk at least five days prior to the holding of such election.

2. The town or village clerk shall cause to be printed a sufficient number of sample and official ballots. Such sample ballots shall be printed upon tinted paper and the official ballots upon white paper, and both shall be of sufficient length and width to afford space

for the names of all candidates. The offices to be voted for shall be arranged in the manner provided in section 35—5 of the statutes and the names of the candidates shall be arranged in alphabetical order under their respective office designations. Sufficient space shall be left under each office to write a name in lieu of any name printed therein. Such official ballots shall be indorsed as provided by subsection 14 of section 38 of the statutes, except that the indorsement of one clerk shall be sufficient when only one clerk is required, by law, to be present.

3. The names of the persons nominated in the manner provided in this section and none other shall be placed upon the official ballots; provided, that in case no nominations are made, the spaces in which names of candidates may be printed or written shall be left blank. Ballots not provided by the respective town or village clerks shall not be counted in any election, but any voter may write upon his ballot the name of any person for whom he desires to vote for any office, in such place as to indicate the office.

4. Ballots used at such election shall be furnished solely at the expense of the respective town or village. [1913 c. 656]

NOTICE OF ELECTIONS. •

Election notices; publication by county clerks. SECTION 36. 1. Before an election to fill any public office, the county or city clerk of each county or city shall cause to be published in at least two and in not more than four newspapers published within the county or city the nominations to office certified to or filed with him, which publication shall be a facsimile of the official ballot.

Notice, information to voters. 2. Said publication shall be preceded with a notice of the time and place of holding the election, together with information to the voter for marking his ballot, which notice and information shall be substantially in the form provided in section 37 of the statutes, to be varied and modified according to the nature of the election.

Newspapers. 3. One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding general election in such county or city cast the largest number of votes, and at least one of the other publications shall be made in a newspaper which advocates the principles of the political party that then cast the next largest number of votes.

Publication, when. 4. Such publication shall be made twice in daily or weekly newspapers in counties or cities having such, one of which publications in daily papers shall be on the day preceding the election and the other publication one week previously, and when published in a weekly paper the dates shall be designated by the county clerk; but if there be no daily or weekly newspaper published within the county or city, publication may be made in any daily or weekly newspaper having a general circulation in such county or city.

Foreign. 5. An additional publication may be translated and published in such newspapers printed in foreign languages as the county or city clerk shall deem necessary or proper.

Number. 6. The publication required in this section shall not be made in more than two newspapers, unless authorized by a resolution adopted by the county board of supervisors of such county or city council of such city.

Voting machines. 7. (a) Such publication, when published in a city using voting machines, shall include a sample ballot in the form of a diagram showing the face of the machine with the official ballot thereon, together with instructions to the voter for the proper operation of the machine.

(b) The election notices of the city clerk and county clerk for officers to be voted for in such city shall be issued and published by them in one notice whenever the elections to be noticed therein are to be held on the same day.

(c) The cost of such joint notice shall be paid by such city and county in proportion to the amount of space occupied.

Publication fee. 8. The compensation to be paid for the publication of any notice under this section shall be the same as provided for the publication of notices under section 37 of the statutes, as amended. [1889 c. 248 s. 13-15; Ann. Stats. 1889 s. 23d; 1891 c. 379 s. 11; 1893 c. 288 s. 26; 1897 c. 337 s. 3; Stats. 1898 s. 36; 1901 c. 457 s. 1; Supl. 1906 s. 36; 1907 c. 118, 563; 1909 c. 506; 1911 c. 437]

General elections; notice; information to voters; publication. SECTION 37. 1. In making publication of a general election notice, the county clerk shall precede the same

* In the statutes of 1898, sections 36 and 37 were included under the subtitle "Nomination of Candidates." The insertion of sections 35—1 to 35—13, however, makes it necessary to supply this new subtitle.

with a statement substantially in the following form, the caption of which shall be conspicuously displayed, but in no case shall the space occupied by said caption be more than one and one-fourth inches in depth:

(f) After it is marked it should be folded so that the inside cannot be seen, but so that the printed indorsements and signatures of the ballot clerks on the outside may be seen. Then the voter should pass out of the booth or compartment, give his name to the inspector in charge of the ballot box, hand him his ballot to be placed in the box, and pass out of the voting place.

(g) A voter, who declares to the presiding officer that he is unable to read, or that by reason of physical disability he is unable to mark his ballot, can have assistance of one or two election officers in marking same, to be chosen by the voter; and if he declares that he is totally blind, he may be assisted by any person chosen by him from among the legal

Official Town Ballot

To vote for a person whose name is printed on the ballot, make a cross (X) in the square after the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

Chairman of Supervisors

John Doe	Vote for one
John Doe	
.....	

Supervisors

John Doe	Vote for two
John Doe	
.....	

Town Clerk

John Doe	Vote for one
John Doe	
.....	

Town Treasurer

John Doe	Vote for one
John Doe	
.....	

Town Assessor

John Doe	Vote for one
John Doe	
.....	

Justice of Peace

John Doe	Vote for one
John Doe	
.....	

Town Constable

John Doe	Vote for one
John Doe	
.....	

Town Librarian

John Doe	Vote for one
John Doe	
.....	

In addition to town clerk, assessor, justice of peace, constable, and librarian, the title of other officials should be mentioned in the blank space provided for that purpose. In case of a tie, the person whose name is printed on the ballot should be elected and the word "none" may be checked in the blank space provided for that purpose. The town library has been established.

for the names of all candidates. The offices to be voted for shall be arranged as provided in section 35-5 of the statutes and the names of the candidates shall be ranged in alphabetical order under their respective office designations. Space shall be left under each office to write a name in lieu of any name printed on the official ballots shall be indorsed as provided by subsection 14 of section 38 of

under this section shall be the same as provided for the publication of section 37 of the statutes, as amended. (1889 c. 2 s. 8, 1-17; Ann. Stats. c. 379 s. 11; 1895 c. 288 s. 26; 1897 c. 357 s. 1; Stats. 1898 s. 36; 1901 1906 s. 36; 1907 c. 118, 56; 1909 c. 706; 1911 c. 137)

General elections; notice; information to voters; publication. When making publication of a general election notice, the county clerk shall precede the same

* In the statutes of 1898, sections 36 and 37 were included under the subtitle "Nomination of Candidates." The present sections 35-1 to 35-13, however, makes it necessary to supply this new subtitle.

with a statement substantially in the following form, the caption of which shall be conspicuously displayed, but in no case shall the space occupied by said caption be more than one and one-fourth inches in depth:

Notice of General Election.

To the Electors of County:

Office of County Clerk.

. . . ., 19. . .

Notice is hereby given that a general election is to be held in the several towns, wards, villages, and election precincts in the county of, on the day of, 19. . ., at which the officers named below are to be chosen. The names of the candidates for each office to be voted for, whose nominations have been certified to or filed in this office, are given under the title of the office and under the appropriate party or other designation, each in its proper column, together with the question submitted to a vote, in the sample ballot below.

Information to Voters.

The following instructions are given for the information and guidance of voters:

(a) A voter upon entering the polling place and giving his name and residence, will receive a ballot from the ballot clerk which must have indorsed thereon the names or initials of both ballot clerks, and no other ballot can be used. Upon receiving his ballot, the voter must retire alone to a booth or compartment and prepare the same for voting. A ballot clerk may inform the voter as to the proper manner of marking a ballot, but he must not advise or indicate in any manner whom to vote for.

(b) If a voter wishes to vote for all the candidates nominated by any party he shall make a cross or other mark under the party designation printed at the top of the ballot in the circle made for that purpose. A ballot so marked and having no other mark will be counted for all the candidates of that party in the column underneath, unless the names of some of the candidates of the party have been erased or a name shall be written in or a cross mark be placed in the square at the right of the name or names of candidates in another column. If the voter does not wish to vote for all the candidates nominated by one party, he shall mark his ballot by making a cross or mark in the square at the right of the name of the candidate for whom he intends to vote, or by inserting or writing in the name of the candidate.

(c) A voter may vote for an entire group of candidates for presidential electors by making a cross (X) or mark in the circle (O) under the party designation at the head of the party column, or he may vote for the candidates for presidential electors by making a cross (X) or mark in the square at the right of the name of each candidate for elector for whom he wishes to vote. If a voter does not wish to vote for any one or more candidates for presidential electors in the group, he may erase the name of such candidate or candidates and may write in the space provided therefor, the name or names of the person or persons for whom he desires to vote, and the cross (X) or mark in the circle (O) at the head of the party column shall count as a vote for each of the candidates in such column. If a voter does not wish to vote for any candidates for president or vice president or for any presidential electors, whose names appear upon the ballot, he may insert or write in the names of the candidates for president and vice president, and presidential electors to a number equal to the number of electors to be elected, in the appropriate spaces in the blank column at the right of the ballot.

(d) A voter may vote upon a question submitted to a vote of the people by making a cross (X) or mark in the square at the right of the answer which he intends to give.

(e) The ballot should not be marked in any other manner. If the ballot be spoiled, it must be returned to the ballot clerk, who must issue another in its stead, but not more than three in all shall be issued to any one voter. Five minutes' time is allowed in booth to mark ballot. Unofficial ballots or memorandum to assist the voter in marking his ballot can be taken into the booth, and may be used to copy from. The ballot must not be shown so that any person can see how it has been marked by the voter.

(f) After it is marked it should be folded so that the inside cannot be seen, but so that the printed indorsements and signatures of the ballot clerks on the outside may be seen. Then the voter should pass out of the booth or compartment, give his name to the inspector in charge of the ballot box, hand him his ballot to be placed in the box, and pass out of the voting place.

(g) A voter, who declares to the presiding officer that he is unable to read, or that by reason of physical disability he is unable to mark his ballot, can have assistance of one or two election officers in marking same, to be chosen by the voter; and if he declares that he is totally blind, he may be assisted by any person chosen by him from among the legal

voters of the county. The presiding officer may administer an oath in his discretion, as to such person's disability.

(h) The following is a facsimile of the official ballot (insert facsimile of official ballot):

....., County Clerk.

Size of type; lines to the inch; spacing. 2. The body of said notice shall be set in the type of the regular reading matter of the paper making the publication which shall not be larger than long primer nor smaller than minion, and shall contain at least seven lines of type to the inch. The titles of offices and names of candidates shall be separated in the notice by blank spaces not exceeding one-twelfth of an inch in thickness and the columns containing the titles of offices and the names of candidates shall not exceed two and one-sixth inches in width.

City clerk's additional items. 3. No other or further publication of notice provided for by this and the preceding section shall be required to be made by any county or city clerk, except that in cities, the clerk shall at the foot of such notice, specify the place of voting in such election precinct, and the hours of opening and closing the polls.

Publication fee. 4. The compensation to be paid for all publications of such notices shall be sixty cents per square for weekly papers, and one dollar per square for the first publication, and thirty-five cents per square for each subsequent publication in daily papers, but in cities of the third and fourth classes the total shall in no case exceed the sum hereafter specified, to wit: For a general election in weekly newspapers one hundred dollars, and in daily papers two hundred dollars; for a judicial election in weekly newspapers twenty-five dollars and in daily newspapers fifty dollars; for a municipal election in weekly newspapers fifty dollars; in daily newspapers one hundred dollars, which in each case shall cover all insertions required to be made; provided, that in cities of the first class and in counties containing more than two hundred thousand population the compensation for publishing all said notices shall be at the rate of one dollar per square for the first insertion, and seventy-five cents per square for the subsequent insertions. But nothing herein shall be so construed to require the publication of a separate notice to women voters at any election.

Newspaper "square." 5. The word "square" as used in this section shall be construed to mean a space one inch in length of the column of the newspaper in which any such notice is published; but any fraction of a square shall be paid for as a full square. [1889 c. 248 s. 13-15; Ann. Stats. 1889 s. 23d; 1891 c. 379 s. 12; 1893 c. 288 s. 27; 1895 c. 322; 1897 c. 366; Stats. 1898 s. 37; 1899 c. 349 s. 1; 1899 c. 351 s. 3; 1901 c. 457 s. 2; Supl. 1906 s. 37; 1907 c. 118, 583; 1909 c. 385; 1911 c. 404; 1913 c. 459]

FORM AND ARRANGEMENT OF BALLOTS.*

Separate ballot for each precinct. SECTION 38. 1. There shall be printed and provided for use in each precinct at general elections a separate ballot upon which shall be printed the names of all candidates for state, congressional, legislative and county offices.

Party columns; independent nominations. 2. The several regular party tickets nominated by conventions or by regularly constituted and authorized committees or primaries shall be printed each in a separate column under the appropriate party designation, the columns to be arranged alphabetically, from left to right, according to the first letter of the party name, thus democratic party, labor party, prohibition party, republican party. To the right hand of the party column shall be one or more columns for independent nominations.

Separating lines. 3. All columns are to be separated by heavy black lines not less than one-eighth of an inch wide.

Placing of candidates' names; squares for voting. 4. In each column shall be placed the name of each office to be voted for and directly under the name of each such office shall appear the name of the person nominated as a candidate for such office. The name of the candidate shall in all cases be placed in the column designated by the party name of that party by which such candidate was nominated; and if the person be an independent candidate, his name shall be placed in its proper place in the column or columns designated independent, together with his party designation as given in his nomination papers. The names of all candidates shall be so placed in the various party designated columns so that names of the same office and the candidates for such office shall appear on or between the same horizontal lines of the ballot. After and to the right of the name of each candidate for a state or county office and within each party designated

* In the statutes of 1898, section 38 was included under the subtitle "Printing and Distribution of Ballots." However, the insertion of sections 39i to 39i and 40a makes a new subtitle necessary.

column there shall be a square, in which the voter may designate by a cross or other mark his choice for each office.

Candidates for county superintendent. 5. In no case shall a county clerk place the name of any person upon such ballot as a candidate for the office of county superintendent of schools unless such person shall have filed in such clerk's office at least ten days before the day of election at which such superintendent is to be elected, proof of having successfully taught in one or more of the public schools of this state, for a period of eight months, and a copy of a certificate entitling him to teach in any such school, or of a certificate known as a county superintendent's certificate, unless such person, before the first day of May, 1895, had held the office of county superintendent of schools in this state.

Order of offices. 6. All offices to be filled, together with the names of the persons who are candidates for such offices, shall be arranged within the columns in the following order: First, state offices; second, congressional offices; third, legislative offices; fourth, county offices.

State ballot. 7. At the top of each ballot shall be placed in letters of not less than three-eighths of an inch in length the words: "Official Ballot." Underneath the words "Official Ballot," and in plain, legible type shall appear the following instructions to voters: "If you desire to vote an entire party ticket for state, congressional, legislative and county offices, make a cross (X) or other mark in the circle (O) under the party designation at the head of the ballot. If you desire to vote for particular persons without regard to party, mark in the square at the right of the name of the candidate for whom you desire to vote, if it be there, or write any name that you wish to vote for, in the proper place." There shall be a space at the top of each column in which shall be placed the party designation and under the party designation a circle (O) of three-eighths of an inch in diameter formed by black lines in which the voter by his mark may declare that he votes for all the names printed in that column except such as are erased or written over or otherwise marked as hereinafter specified, and under such party designation shall appear the names of all candidates for state, congressional, legislative and county offices.

Referendum ballot. 8. Whenever a proposed amendment to the constitution, or any measure or other question shall be submitted to a vote of the people, a concise statement of the nature thereof shall be printed in accordance with the act or resolution directing its submission upon a separate ballot provided for that purpose, and under each the question as thus stated shall appear the words "yes" and "no," and after and to the right of each of said words there shall be a square. At the top of said ballot shall be printed in letters of not less than three-eighths of an inch in length the words: "Official Referendum Ballot." Underneath said words, and in plain, legible type shall appear the following instructions to voters: "If you desire to vote for any question, make a cross (X) or other mark at the square after the word 'yes,' underneath such question; if you desire to vote against any question make a cross (X) or other mark in the square after the word 'no,' underneath such question." This form of ballot shall be used at all elections at which questions are submitted to the people.

Presidential ballot. 9. In each year in which there is to be elected a president and vice president of the United States, there shall be printed and provided for use in each precinct at the general election a separate ballot, to be designated "Presidential Ballot," which shall be substantially in the form annexed, marked "C."

Presidential ballot; how arranged. 10. (a) At the top of each presidential ballot shall be placed in letters of not less than three-eighths of an inch in length the word "Official Presidential Ballot." Underneath the words "Official Presidential Ballot" and in plain, legible type shall appear the following instructions to voters: "If you desire to vote for all of the presidential electors of one party, make a cross (X) or other mark in the circle (O) under party designation at the head of the party column. If you desire to vote for particular persons without regard to party, make a cross in the square after the name of the elector for whom you desire to vote, or write any name that you wish to vote for, in the proper place."

(b) There shall be a space at the top of each party column, in which shall appear the party designation. Under the party designation shall be placed a circle (O) of three-eighths of an inch in diameter, formed by black lines, in which the voter by his mark may declare that he votes for all of the candidates for presidential electors whose names are printed in such columns, except such names as are erased, written in, or marked in some other column. Beneath the circle shall appear the words "For President" (naming such candidate), and "For Vice President" (naming such candidate), and immediately beneath shall appear the words "Electors of President and Vice President," and underneath said words and separated by lines shall appear the names of the persons who are candidates

for presidential electors of such party, and under each such name shall appear a blank line.

No pasting. 11. No pasting names over a ticket or over any names thereon shall be allowed and no name so pasted shall be counted except as provided in section 34 of these statutes.

Candidate nominated by more than one party. 12. When any person is nominated for the same office, by more than one party or primary, his name shall be placed upon the ticket under the designation of the party which first nominated him, or if he was nominated by more than one party or primary at the same time, he shall, within the time fixed by law for filing certificates of nomination, filed with the office with whom his certificate of nomination is required to be filed, a written election indicating the party designation under which he desires his name to be printed on the ballot, and it shall be so printed. If he shall refuse or neglect to so file such an election, the officer with whom the certificate of nomination is required to be filed, shall place his name under the designation of either of the parties by which he was nominated, but under no other designation whatsoever.

Paper nominations; place on ballot. 13. The names of persons nominated by paper nominations shall be placed in the one or more columns designated independent; provided, that the name of the same individual shall not be placed on the ticket under the head of independent nominations if his name already appears under a party designation.

Outside of ballot. 14. On the back and outside of every ballot shall be printed the words, "Official Ballot for," followed by the designation of the polling place for which the ballot is prepared and the date of the election, the official indorsement and blank certificates in the following forms: I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot, and as directed by him.

.
Inspector of Election.

I certify that the within ballot was marked by me for a blind elector at his request, and as directed by him.

.

School and judicial officers. 15. No party designation shall be placed upon the official ballots for any school or judicial officer. The names of candidates for the same office shall be placed in the same column.

Judicial, school and city officers. 16. Ballots for judicial, school and city elections shall be printed upon the quality of white print paper hereinbefore specified, and shall be of sufficient size to afford space for the names of the several candidates for any office in the column under the proper office designation. The judicial and school ballots shall be in substantially the annexed forms marked "E" and "F." Such ballots shall have similar matter printed on the back and outside as other official ballots are required to have.

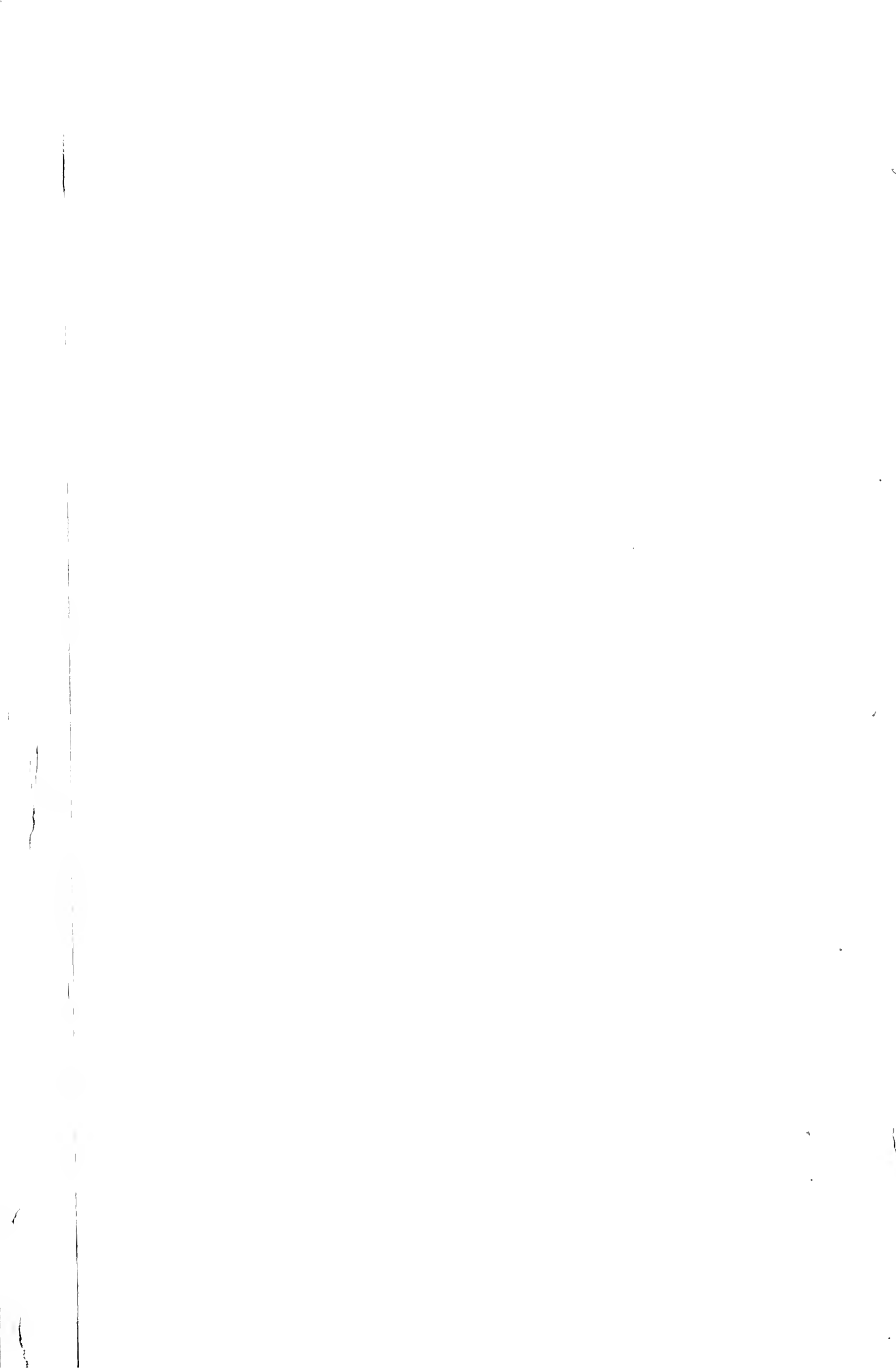
Material and size. 17. (a) The ballot provided for in subsection 1 of this section and the official city ballot shall be upon white print paper, the presidential ballot upon light blue print paper, and the referendum ballot upon pink print paper, and shall be substantially as in the annexed forms marked respectively "A," "B," "C" and "D;" provided that ballots for city elections may be varied in form to conform to the law under which such election is held.

(b) All ballots shall be of sufficient width and length to afford space for all matter required to be printed thereon and shall be printed on paper weighing thirty-five pounds per ream of sheets twenty-four by thirty-six inches; if a different sized sheet is used the weight per ream shall be proportioned as above.

(c) No sample ballot shall be printed upon paper of the color provided for any official ballot.

Separate ballot boxes. 18. A separate ballot box shall be provided for each form of ballot.

Statutes applicable. 19. All provisions of the statutes relating to the preparation, printing, distributing, voting, counting and returning of ballots used at general elections for state and county officers shall, as far as applicable and not inconsistent herewith, apply to all of the ballots herein provided for. [1889 c. 248 s. 16-28; 1889 c. 494; Ann. Stats. 1889 s. 23e; 1891 c. 379 s. 13; 1893 c. 288 s. 28; 1895 c. 333 s. 5, 7; 1897 c. 348 s. 2; Stats. 1898 s. 38; 1899 c. 349 s. 2; 1899 c. 351 s. 4; 1901 c. 457 s. 3; Supl. 1906 s. 38; 1907 c. 118, 583; 1909 c. 483; 1911 c. 633; 1913 c. 459, 492]



OFFICIAL BALLOT

FOR

.....Precinct, Ward,

City (Village or Town) of

November (or other month), 191...

.....
.....

Ballot Clerks.

*I certify that the within ballot was marked by me for
elector incapable under the law of marking his own
and as directed by him.*

.....
Inspector of Elect

*I certify that the within ballot was marked by me for
blind elector at his request, and as directed by him.*

.....

“A”

OFFICIAL BALLOT

If you desire to vote an entire party ticket for state, congressional, legislative and county offices make a cross (X) or other mark in the circle (O) under the party designation at the head of the ballot. If you desire to vote for particular persons without regard to party, mark in the square at the right of the name of the candidate for whom you desire to vote if it be there, or write any name that you wish to vote for, in the proper place.

Democrat	Prohibition	Republican	Social Democrat	Social Labor	Independent
For Governor— JOHN DOE <input type="checkbox"/>	For Governor— JOHN DOE <input type="checkbox"/>	For Governor— JOHN DOE <input type="checkbox"/>	For Governor— JOHN DOE <input type="checkbox"/>	For Governor— JOHN DOE <input type="checkbox"/>	For Governor— <input type="checkbox"/>
Lieutenant Governor— JOHN DOE <input type="checkbox"/>	Lieutenant Governor— JOHN DOE <input type="checkbox"/>	Lieutenant Governor— JOHN DOE <input type="checkbox"/>	Lieutenant Governor— JOHN DOE <input type="checkbox"/>	Lieutenant Governor— JOHN DOE <input type="checkbox"/>	Lieutenant Governor— <input type="checkbox"/>
Secretary of State— JOHN DOE <input type="checkbox"/>	Secretary of State— JOHN DOE <input type="checkbox"/>	Secretary of State— JOHN DOE <input type="checkbox"/>	Secretary of State— JOHN DOE <input type="checkbox"/>	Secretary of State— JOHN DOE <input type="checkbox"/>	Secretary of State— <input type="checkbox"/>
State Treasurer— JOHN DOE <input type="checkbox"/>	State Treasurer— JOHN DOE <input type="checkbox"/>	State Treasurer— JOHN DOE <input type="checkbox"/>	State Treasurer— JOHN DOE <input type="checkbox"/>	State Treasurer— JOHN DOE <input type="checkbox"/>	State Treasurer— <input type="checkbox"/>
Attorney General— JOHN DOE <input type="checkbox"/>	Attorney General— JOHN DOE <input type="checkbox"/>	Attorney General— JOHN DOE <input type="checkbox"/>	Attorney General— JOHN DOE <input type="checkbox"/>	Attorney General— JOHN DOE <input type="checkbox"/>	Attorney General— <input type="checkbox"/>
Member of Congress—... District JOHN DOE <input type="checkbox"/>	Member of Congress—... District JOHN DOE <input type="checkbox"/>	Member of Congress—... District JOHN DOE <input type="checkbox"/>	Member of Congress—... District JOHN DOE <input type="checkbox"/>	Member of Congress—... District JOHN DOE <input type="checkbox"/>	Member of Congress—... District <input type="checkbox"/>
State Senator— JOHN DOE <input type="checkbox"/>	State Senator— JOHN DOE <input type="checkbox"/>	State Senator— JOHN DOE <input type="checkbox"/>	State Senator— JOHN DOE <input type="checkbox"/>	State Senator— JOHN DOE <input type="checkbox"/>	State Senator— <input type="checkbox"/>
Member of Assembly—... District JOHN DOE <input type="checkbox"/>	Member of Assembly—... District JOHN DOE <input type="checkbox"/>	Member of Assembly—... District JOHN DOE <input type="checkbox"/>	Member of Assembly—... District JOHN DOE <input type="checkbox"/>	Member of Assembly—... District JOHN DOE <input type="checkbox"/>	Member of Assembly—... District <input type="checkbox"/>
County Clerk— JOHN DOE <input type="checkbox"/>	County Clerk— JOHN DOE <input type="checkbox"/>	County Clerk— JOHN DOE <input type="checkbox"/>	County Clerk— JOHN DOE <input type="checkbox"/>	County Clerk— JOHN DOE <input type="checkbox"/>	County Clerk— <input type="checkbox"/>
County Treasurer— JOHN DOE <input type="checkbox"/>	County Treasurer— JOHN DOE <input type="checkbox"/>	County Treasurer— JOHN DOE <input type="checkbox"/>	County Treasurer— JOHN DOE <input type="checkbox"/>	County Treasurer— JOHN DOE <input type="checkbox"/>	County Treasurer— <input type="checkbox"/>
Sheriff— JOHN DOE <input type="checkbox"/>	Sheriff— JOHN DOE <input type="checkbox"/>	Sheriff— JOHN DOE <input type="checkbox"/>	Sheriff— JOHN DOE <input type="checkbox"/>	Sheriff— JOHN DOE <input type="checkbox"/>	Sheriff— <input type="checkbox"/>
Coroner— JOHN DOE <input type="checkbox"/>	Coroner— JOHN DOE <input type="checkbox"/>	Coroner— JOHN DOE <input type="checkbox"/>	Coroner— JOHN DOE <input type="checkbox"/>	Coroner— JOHN DOE <input type="checkbox"/>	Coroner— <input type="checkbox"/>
Clerk of Circuit Court— JOHN DOE <input type="checkbox"/>	Clerk of Circuit Court— JOHN DOE <input type="checkbox"/>	Clerk of Circuit Court— JOHN DOE <input type="checkbox"/>	Clerk of Circuit Court— JOHN DOE <input type="checkbox"/>	Clerk of Circuit Court— JOHN DOE <input type="checkbox"/>	Clerk of Circuit Court— <input type="checkbox"/>
District Attorney— JOHN DOE <input type="checkbox"/>	District Attorney— JOHN DOE <input type="checkbox"/>	District Attorney— JOHN DOE <input type="checkbox"/>	District Attorney— JOHN DOE <input type="checkbox"/>	District Attorney— JOHN DOE <input type="checkbox"/>	District Attorney— <input type="checkbox"/>
Register of Deeds— JOHN DOE <input type="checkbox"/>	Register of Deeds— JOHN DOE <input type="checkbox"/>	Register of Deeds— JOHN DOE <input type="checkbox"/>	Register of Deeds— JOHN DOE <input type="checkbox"/>	Register of Deeds— JOHN DOE <input type="checkbox"/>	Register of Deeds— <input type="checkbox"/>
Surveyor— JOHN DOE <input type="checkbox"/>	Surveyor— JOHN DOE <input type="checkbox"/>	Surveyor— JOHN DOE <input type="checkbox"/>	Surveyor— JOHN DOE <input type="checkbox"/>	Surveyor— JOHN DOE <input type="checkbox"/>	Surveyor— <input type="checkbox"/>

“B”

Official City Ballot

To vote for a person whose name is printed on the ballot, make a cross (X) in the square after the name of the person for whom you desire to vote. To vote for a person whose name is not printed on the ballot, write his name in the blank space provided for that purpose.

MAYOR Vote for one

John Doe

John Doe

.....

CITY CLERK Vote for one

John Doe

John Doe

.....

CITY TREASURER Vote for one

John Doe

John Doe

.....

“B”

Official City Ballot

FOR

..... Precinct, Ward.

City (Village or Town) of

November (or other month) 191...

.....

.....

Ballot Clerks.

I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot and as directed by him.

.....
Inspector of Election.

I certify that the within ballot was marked by me for a blind elector, at his request, and as directed by him.

.....

"C"

**OFFICIAL
PRESIDENTIAL BALLOT**

FOR

.....Precinct, Ward,

City (Village or Town) of

November (or other month), 191...

.....

.....

Ballot Clerks.

I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot and as directed by him.

.....

Inspector of Election.

I certify that the within ballot was marked by me for a blind elector, at his request, and as directed by him.

.....

“D”

Official Referendum Ballot

If you desire to vote for any question, make a cross (X) or other mark in the square after the word “yes,” underneath such question; if you desire to vote against any question, make a cross (X) or other mark in the square after the word “no,” underneath such question.

Shall amendment to Article VIII, Section 1, of the constitution, providing for an income tax, be adopted?

Yes. No.

For the amendment authorizing a graduated income tax.

Yes. No.

Shall chapter 461 of the laws of 1903, entitled “An act to provide for party nominations by direct vote,” be adopted?

Yes. No.

“D”

Official Referendum Ballot

FOR

..... Precinct,

Ward

City (Village or Town) of

Year (or other month)

191.....

.....

Ballot Clerk.

I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot and as directed by him.

Inspector of Election.

I certify that the within ballot was marked by me for a blind elector, at his request and as directed by him.

.....

“E”
SAMPLE

Ballot for Judicial Election

Mark with a cross (X) in the square at the right of the name of the candidate for whom you desire to vote, if it be there, or write any name that you wish to vote for in the proper place.

INDIVIDUAL NOMINATIONS

VOTE FOR ONE

For Justice of the Supreme
Court -----

JOHN DOE, A Nonpartisan Judiciary----

JOHN DOE, A Nonpartisan Judiciary----

JOHN DOE, A Nonpartisan Judiciary----

VOTE FOR ONE

For Circuit Judge-----
-----Judicial Court

JOHN DOE, A Nonpartisan Judiciary----

VOTE FOR ONE

For Municipal Judge-----

JOHN DOE, A Nonpartisan Judiciary----

VOTE FOR ONE

For County Judge -----

JOHN DOE, A Nonpartisan Judiciary----

“E”

SAMPLE

OFFICIAL BALLOT

FOR

-----Precinct, -----Ward

City (Village or Town) of -----

Date -----

Ballot Clerks.

I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot and as directed by him.

Inspector of Election.

I certify that the within ballot was marked by me for a blind elector, at his request, and as directed by him.

"F"

SAMPLE

Ballot for State and County Superintendent of Schools

Mark with a cross (X) in the square [] at the right of the name of the candidate for whom you desire to vote, if it be there, or write any name that you wish to vote for in the proper place.

INDIVIDUAL NOMINATIONS

VOTE FOR ONE

For State Superintendent of Schools -----

JOHN DOE, A Nonpartisan Superintendency -----

JOHN DOE, A Nonpartisan Superintendency -----

JOHN DOE, A Nonpartisan Superintendency -----

JOHN DOE, A Nonpartisan Superintendency -----

VOTE FOR ONE

For County Superintendent of Schools -----

JOHN DOE, A Nonpartisan Superintendency -----

“F”

SAMPLE

STATE AND COUNTY SUPERINTENDENT OF SCHOOLS

OFFICIAL BALLOT

FOR

----- Precinct, ----- Ward

City (Village or Town) of -----

Date -----

Ballot Clerks.

I certify that the within ballot was marked by me for an elector ineligible under the law of marking his own ballot and as directed by him.

Inspector of Election.

I certify that the within ballot was marked by me for a blind elector, at his request, and as directed by him.

DIRECT LEGISLATION IN CITIES AND COUNTIES.

Ordinances proposed for popular vote. SECTION 39i. 1. Any proposed ordinance may be submitted to the council of any city, except in such cities as are organized under sections 925m—301 to 925m—317, inclusive, of the statutes, or to the county board of any county by petition signed by electors of such city or county, equal in number to the percentage hereinafter required.

2. Any proposed ordinance accompanied by a petition signed by electors equal in number to not less than twenty-five per cent of all the votes cast for governor in such city or county at the last general election, and containing a request that the said ordinance be submitted to a vote of the people if not passed by the city council or county board, shall be either (a) passed without alteration by the city council or county board within thirty days after attachment of the clerk's certificate to the accompanying petition; or (b) shall be referred without alteration by the city council or county board to a vote of the electors of said city or county at the next regular election, if the same shall be held within ninety days of the date of the clerk's certificate, or at a special election, if no regular election shall be held within ninety days, but not more than one such special election shall be called in any period of six months.

3. Any proposed ordinance accompanied by a petition signed by electors equal in number to not less than fifteen nor more than twenty-five per cent of all the votes cast for governor in such city or county at the last general election, shall be passed without change within thirty days after the clerk's certificate of sufficiency is attached, or it shall be submitted to the electors of the city or county at the next regular election.

4. Whenever a proposed ordinance shall be submitted to the people, a concise statement of the nature thereof shall be printed upon the ballot, and underneath the question, as thus stated, shall appear the words "Yes" and "No," and to the right of such words there shall be a square, and each elector shall vote "Yes" or "No" upon such question by making a cross or other mark in the square adjacent to such word.

5. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon take effect and be in force.

6. No ordinance proposed by petition and adopted by a vote of the people, shall be repealed or amended within two years after its adoption, except by a vote of the people.

7. The city council or county board may submit to a vote of the people at any regular or special election a proposition for the repeal of any such ordinance, or for amendments thereto, and should the proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly.

8. Not more than twenty, nor less than five days before the election, the city or county clerk shall cause every ordinance or proposition submitted to the voters at any election to be printed in at least two, but not to exceed four, daily newspapers published in the city or county, or if there shall be no daily newspaper published in such city or county, then in one or more weekly newspapers of general circulation therein.

9. Notice of such elections as are held in accordance with this section shall be given, and such elections shall be held in the manner now provided by law, and the returns of the same shall be made and forwarded by the inspectors of election to the clerk of the city or county in which such election is held. All ordinances adopted at any such election shall be published by the city or county clerk within ten days after such election in at least two, but not to exceed four, newspapers published in such city or county. [1911 c. 513]

Ordinances, when effective; emergency ordinances. SECTION 39j. 1. No ordinance or resolution passed by the council of any city, except of such cities as are organized under sections 925m—301 to 925m—317, inclusive, of the statutes, and no ordinance or resolution of any county board shall go into effect within twenty days from the time of its passage, but emergency ordinances and resolutions may be made to take effect at a time prescribed in such ordinance or resolution.

2. An emergency ordinance or resolution shall be any ordinance or resolution, declared by a two-thirds vote of the members elected to the city council or county board, to be necessary for any immediate purpose, or any ordinance or resolution making any appropriation for maintaining the city or county government or maintaining or aiding any public institution. The part of such appropriation, not exceeding the next previous annual appropriation for the same purpose, shall take effect and be available at the time fixed by law. The increase in any such appropriation shall only take effect as in the case of other ordinances or resolutions, and such increase or any part thereof specified in the petition may be referred to a vote of the people upon petition.

3. If within twenty days after the passage and publication of any ordinance or resolution, a petition, signed by qualified electors of the city or county equal in number

to at least twenty per cent of all the votes cast for governor in such city or county at the last preceding regular election, shall be filed with the city or county clerk and certified by him to the city council or county board, praying that the operation of such ordinance or resolution be suspended, the operation of such ordinance or resolution, unless the same shall be an emergency ordinance or resolution, shall be suspended. At its next regular meeting, or at a special meeting prior to the time of its regular meeting, the city council or county board shall consider such ordinance or resolution, and either repeal it or submit it to the electors of the city or county at the next regular election or at a special election, to be called for that purpose, if no such general or special election shall be held within ninety days. If any such ordinance or resolution shall be approved by a majority of the electors voting thereon, it shall take effect and be in force from and after twenty days from the date of the election.

4. An emergency ordinance or resolution shall remain in force notwithstanding any petition filed upon it, but such ordinance or resolution shall stand repealed from and after twenty days after being rejected by a majority of the qualified electors voting thereon.

5. Nothing contained in this section shall apply to any city ordinance which grants a franchise for a public utility, or authorizes the issue of municipal bonds. [1911 c. 513; 1913 c. 753]

Petition for proposal or suspension of ordinance. SECTION 39k. 1. Every petition submitting a proposed ordinance to the city council or county board, and every petition for the suspension of an ordinance or resolution, shall be filed with the clerk of the city or county. Signatures to such petition may be upon different pieces of paper bearing the same or substantially similar headings. No such petition shall be circulated by any member of the common council or any other city officer, and the office of any officer violating this provision shall become ipso facto vacant.

2. Each signer shall add to his signature his place of residence, giving the street and number, and one signer of each paper of such petition shall make oath before an officer competent to administer oaths, that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

3. Within ten days from the date of filing such a petition, the clerk shall examine and ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination.

4. If by the clerk's certificate the petition is shown to be insufficient, the particulars of such insufficiency shall be set forth in such certificate, and it may be amended within ten days from the date of said certificate by the addition of signatures or otherwise.

5. If the petition shall be found to be sufficient the clerk shall certify and submit the same to the council without delay. [1911 c. 513; 1913 c. 753]

Veto power of mayor limited. SECTION 39l. The veto power of the mayor shall not extend to measures adopted by a vote of the people. [1911 c. 513]

LIQUOR LICENSE BALLOT.

Liquor license question; separate ballot and box. SECTION 40a. 1. Whenever the question of granting license for the sale of intoxicating liquors, shall be submitted to electors of any town, village or city, the clerk of such town, village or city shall prepare a separate ballot for such question to be so submitted.

2. Every such ballot shall, when the question submitted will permit, contain the words "For . . ." (inserting the question to be voted upon) with a blank square directly following, and also the words "Against . . ." (inserting the question to be voted upon) with a blank square directly following.

3. Every ballot containing a cross or other mark in the blank square following the words "For . . ." (the question voted upon being inserted) shall be counted as a vote for the question thus submitted, and every ballot containing a cross or other mark in the blank square following the words "Against . . ." (the question voted upon being inserted) shall be counted as a vote against such question so submitted.

4. The ballot upon the question so submitted shall be deposited in a separate ballot box in each town, village and election district wherein such question is submitted. [1907 c. 664]

PRINTING AND DISTRIBUTION OF BALLOTS.

Printer's bidding restricted to city or county, but clerk may reject. SECTION 41. 1. Except as in this chapter otherwise provided, it shall be the duty of each county

clerk and city clerk to provide printed ballots for every election for public officers to be voted for in his county or city, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been duly certified to or filed with him; such county or city clerk shall let to the lowest bidder within such county or city the printing of all ballots and shall keep all proposals for such printing in his office; provided, such accepted bidder file with such clerk a bond in a penal sum of at least twice the sum of the accepted bid, signed by two sureties and conditioned for the faithful performance on the part of the accepted bidder of all the conditions duly imposed on him by such clerk at the time of receiving proposals for such printing, and provided such county or city clerk shall have power to reject all bids if deemed excessive and to contract for such printing outside of such county or city.

2. Ballots not provided by the respective county or city clerks shall not be cast or counted in any election, except as herein provided.

3. But any voter may write upon his ballot the name of any person for whom he desires to vote for any office, in such place or so designated as to indicate the office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter; and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except as hereinafter otherwise provided.

4. Ballots shall be printed and in possession of the county clerk and city clerk at least four days before any judicial or general election, and in case of a city election the ballots shall be printed and in possession of the city clerk at least two days before election, and subject to inspection by the candidates and their agents. If any mistake be discovered in printing or arrangement, it shall be the duty of the clerk to correct the same without delay.

5. In all general elections, including judicial elections, such ballots shall be printed and distributed solely at the expense of the county; in municipal elections, solely at the expense of the municipality. [1889 c. 248 s. 16-28; 1889 c. 494; Ann. Stats. 1889 s. 23e; 1891 c. 379 s. 15; 1893 c. 288 s. 31; 1897 c. 337 s. 4; Stats. 1898 s. 41; 1907 c. 305; 1913 c. 459]

Number; sample ballots. SECTION 42. Each county clerk and each city clerk and each election board in cities where there is a board of election commissioners shall cause to be printed, in the manner hereinbefore provided, a sufficient number of ballots, not to exceed seventy-five ballots for each fifty votes, to be used at each election in the county or city. Each clerk or board shall, at the time of ordering the official ballots to be printed, cause unofficial sample ballots to be printed upon tinted or colored paper, and in the same form as the official ballots, to an amount not exceeding one-tenth of the official ballots for the county and city, and fifty per cent of the sample ballots so printed shall be held by such clerk or board at his or its office and shall be distributed to voters upon application therefor. Fifty per cent of the sample ballots so printed shall be sent to the election booths in proportion to the number of votes cast at the preceding election in the district where the booths are located, to be there distributed by the inspectors of election to voters upon application therefor. Such ballots shall be paid for in the same manner that the official ballots shall be paid for, without additional charge for composition. Any political committee may at its own expense order a larger supply of sample ballots than is required by this section. The ballots ordered printed by the county and city clerks and board of election commissioners shall be printed at the cost of the respective counties or cities as ordered. [1889 c. 248 s. 16-28; 1889 c. 494; Ann. Stats. 1889 s. 23e; 1891 c. 379 s. 16; 1893 c. 288 s. 32; 1897 c. 337 s. 5; Stats. 1898 s. 42; 1913 c. 273]

Tally sheets. SECTION 42a. Each county and city clerk shall cause to be printed in the same manner and at the same time that official ballots are printed a sufficient number of tally sheets, poll lists and other supplies required by law for the conduct of elections, for each precinct in the county. Such tally sheets, poll lists and election supplies shall be delivered by such clerks when the official ballots for each precinct are delivered and in the sealed package containing the official ballots. To each such tally sheet shall be appended a certificate to be signed by the clerks of election and countersigned by the election inspectors. Such tally sheets shall be sent or delivered with the poll lists to the county, city, village and town clerk as provided in section 78 of the statutes. [1913 c. 581]

Ballots for school officers. SECTION 43. Where provision has been made in the charter of any city for the election of school officers by a separate ballot, separate official ballots for such officers shall be printed and furnished to the inspectors of election in the several wards in sufficient quantities to supply the electors. [1891 c. 379 s. 17; 1893 c. 288 s. 33; Stats. 1895 s. 43]

Distribution of ballots; lost ballots. SECTION 44. Each county and city clerk shall send the ballots printed pursuant to his order for the several polling places in each

city, village or town in the county as is provided by law to each city and town clerk and the clerk of each village, so as to be received by them at least twelve hours previous to the opening of the polls on the day of election, in separate sealed packages, with marks on the outside of each clearly designating the polling place for which they are intended and the number of ballots of each kind inclosed; and the respective city, village and town clerks shall, on delivery to them of such packages, return receipts therefor, keep a record of the time when, and the manner in which, the several packages are sent, and each county and city clerk shall preserve for the period of one year the receipts therefor; each city, village and town clerk shall send to the board of inspectors of each polling place in his city, village or town before the day of election the ballots so prepared, sealed and marked for each voting place, and a receipt of such delivery shall be returned to them from the presiding or senior election officer present, which receipt shall be kept in the clerk's office. In case the ballots to be furnished to any city, village, town or voting place therein shall fail for any reason to be duly delivered, or in case after delivery they shall be destroyed, lost or stolen, it shall be the duty of the clerk of such city, village or town to cause other ballots to be prepared, in printing or writing, substantially in the form of the ballots so wanting; and upon receipt of such other ballots from him, accompanied by a statement under oath that the same have been so prepared and furnished by him to replace the original ballots which have not been received, or have been so destroyed, lost or stolen, the election officers shall cause the ballots so substituted to be used in lieu of those so wanting. If from any cause the ballots are not ready for distribution at any polling place as heretofore provided, or if the supply shall be exhausted before the polls are closed, facsimile unofficial ballots may be used, but the voter using it must, before voting, present it unmarked to the ballot clerks, have their signatures or initials indorsed thereon, and then he shall prepare it for voting. [1889 c. 248 s. 16-28; 1889 c. 494; Ann. Stats. 1889 s. 23e; 1891 c. 379 s. 18; 1893 c. 288 s. 34; Stats. 1898 s. 44]

VOTING MACHINES.

Wisconsin voting machine commission created; appointment and oath of. SECTION 44—1. Be it enacted that there is hereby constituted a body to be known as the "Wisconsin Voting Machine Commission." It shall consist of three members, competent and responsible persons, two of whom shall be mechanical experts, not more than two of whom shall be members of the same political party, and none of whom shall have any pecuniary interest in any voting machine. Their term of office shall be five years from the date of appointment. They and their successors shall be appointed by the governor, who shall have power to remove a commissioner at any time and to fill all vacancies. The first commissioners shall be appointed within thirty days after the taking effect of this act. The commissioners shall qualify by taking an oath in writing to support the constitution of the United States and of the state of Wisconsin and to faithfully and honestly discharge their duties, and filing the same in the office of the secretary of state; and all such examinations shall be public. [1901 c. 459 s. 1; Supl. 1906 s. 44—1; 1907 c. 118]

Submission of machines for examination; approval of. SECTION 44—2. Any person or corporation, owning or being interested in any voting machine, may apply to said commission to examine such machine, and report on its accuracy, efficiency and capacity. The commissioners shall examine the machine and make and file a report thereon in the office of the secretary of state. They shall state in the report whether the kind of machine so examined complies with the requirements of this act, and can be safely used by voters at elections under the conditions prescribed in this act. If the report be in the affirmative upon said questions, the machine shall be deemed approved by the commission, and machines of its kind may be adopted for use at elections as herein provided. When the machine has been so approved, any improvement or change that does not impair its accuracy, efficiency or capacity, shall not render necessary a re-examination or re-approval thereof; any form of voting machine not so approved, cannot be used at any election. Each commissioner shall be entitled to one hundred dollars for his compensation and expenses in making such examination and report, to be paid by the person or corporation applying for such examination, which may be demanded in advance of making the examination. The commission may, if it consents so to do, go to any point in the state for the purpose of examining a machine, but it shall not be compelled to make an examination at any place other than the capital of the state. [1901 c. 459 s. 2; Supl. 1906 s. 44—2; 1907 c. 118]

Voting machines; names shown in presidential elections. SECTION 44—3. 1. No machine or machine system shall be approved by the commission unless it be so con-

strued as to afford every elector a reasonable opportunity to vote for any person for any office or for or against any proposition for whom, or for or against which he is by law entitled to vote and enable him to do this in secrecy; and it must be so constructed as to preclude an elector from voting for any candidate for the same office or upon any question more than once, and from voting for any person for any office for whom he is not by law entitled to vote.

2. The machine or machine system may be provided with one lever or device by the use of which an elector may vote for all candidates of one party, if he so desires, but it must admit of his voting a split ticket as he may desire. It must also be so constructed as to register or record each and every vote cast.

3. For presidential electors one device may be provided for voting for all the candidates of one party at one time by the use of such device, opposite or adjacent to which shall be a ballot on the machine containing the names of the candidates for president and vice president of that party, preceded by the party's name, and a vote registered or recorded by the use of such device shall be counted for each of the candidates for presidential electors of such party.

4. The machine must be constructed so that it cannot be tampered with or manipulated for any fraudulent purposes; and the machine must be so locked, arranged or constructed that during the progress of the voting, no person can see or know the number of votes registered or recorded for any candidate. [1901 c. 459 s. 3; *Supl.* 1906 s. 44—3; 1907 c. 118, 316]

In cities, towns and villages; referendum. SECTION 44—4. The common council of any city, the trustees of any village and the town board of any town may adopt and purchase for use in the various precincts, any voting machine approved in the manner set forth in this act, by the voting machine commission, and none other; provided, however, that no machine shall be adopted or purchased by any village or town until the question of such adoption and purchase shall have been submitted to a vote of the people of such village or town at some regular village or town election, and a majority of the votes cast on such question shall have been in favor of such adoption and purchase. If it shall be impracticable to supply each and every election district with a voting machine or voting machines at any election following the adoption of such machines in any city, village or town as many may be supplied as it is practicable to procure, and the same shall be used in such precincts of the municipality as the proper officers may order. The proper officers of any city, village or town may, not later than sixty days before any election, unite two or more precincts or wards into one election precinct for the purpose of using therein at such election a voting machine; provided, in case two or more wards shall be so united, such machine shall be so constructed that it will permit the voters of each ward to vote for any and all candidates nominated for offices in such ward, but will prevent such voters from voting for any and all candidates nominated for offices in all other wards; and a notice of such uniting shall be given in the manner prescribed by law for the change of election districts. [1901 c. 459 s. 4; 1905 c. 495 s. 1; *Supl.* 1906 s. 44—4; 1907 c. 118]

Payment; borrowing money. SECTION 44—5. Payment for voting machines purchased may be provided for in such manner as is deemed for the best interests of the city, village or town purchasing the machine, and any such city, village or town may borrow money for that purpose or may issue notes, certificates of indebtedness, or other obligations which shall be a charge upon the city, village or town. [1901 c. 459 s. 5; 1905 c. 495 s. 2; *Supl.* 1906 s. 44—5; 1907 c. 118]

Number in each precinct; how placed in booth; inspectors' duties; time allowed. SECTION 44—6. More than one voting machine may be used in any one polling place. The room in which the election is held shall have a railing separating that part of the room to be occupied by the election officers from that part of the room occupied by the voting machine or machines. The exterior of the voting machine and every part of the polling place shall be in plain view of the inspectors. The machine shall be so placed that no person on the opposite side of the railing can see or determine how the voter casts his vote, and that no person can so see or determine from the outside of the room. After the opening of the polls the inspectors shall not allow any person to pass within the railing to that part of the room where the machine is situated, except for the purpose of voting and except as provided in the next succeeding section of this act; and they shall not permit more than one voter at a time to be in such part of the room. They shall not themselves remain or permit any person to remain in any position that would permit him or them to see or ascertain how the voter votes or how he has voted. No voter shall remain within the voting machine booth or compartment longer than one minute, and if he should refuse to leave it after that lapse of time, he shall at once be

removed by the inspectors. [1901 c. 459 s. 6; Supl. 1906 s. 44—6; 1907 c. 118; 1909 c. 454]

Polls; opening and closing; voter present at time of closing. SECTION 44—6a. 1. The polls of election in all cities where voting is done exclusively by the use of voting machines shall open at six o'clock in the forenoon and close at eight in the afternoon.

2. Any voter awaiting his turn to vote, whether within a polling booth or in a line outside the booth, at the time of the closing of the polls shall be permitted to vote. [1909 c. 454; 1913 c. 298]

Assistance to physically disabled voter; penalty for deceiving. SECTION 44—7. If any voter shall, in the presence of the election board, declare that he is unable to read or write the English language, or that by reason of physical disability or total blindness he is unable to register or record his vote upon the machine, he shall be assisted as provided by section 54 of the statutes of 1898. Any person who shall deceive any elector in registering or recording his vote under this section, or who shall register or record his vote in any other way than as requested by such person, or who shall give information to any person as to what ticket or for what person or persons such person voted, shall be punished as provided in section 4515 statutes of 1898. [1901 c. 459 s. 7; Supl. 1906 s. 44—7; 1907 c. 118]

Sample ballots; number; diagram. SECTION 44—8. 1. Ballots shall be provided by the respective city and county clerks, except that in cities of the first class ballots shall be provided by the board of election commissioners, for all the candidates to be voted for at an election and of suitable size to fit the space provided for that purpose on or in the machine, and each shall be placed on or in the machine adjacent to or on the registering or recording device therefor.

Ballots; placing; instructions in operating. 2. The ballots shall be placed on or in the machine in the order of arrangement provided by section 38 of the statutes, as amended, except that they may be vertical or horizontal rows. Ballots for all questions must be provided in the same manner and must be arranged on or in the machine in the places provided for such purpose.

Diagram. 3. The officers charged with the duty of providing ballots for any polling place, shall provide therefor two sample ballots which shall be exact copies of the official ballots which are caused to be printed by them; said sample ballots shall be arranged in the form of a diagram showing the front of the voting machine as it will appear after the ballots are arranged thereon for voting on election day. Such sample ballots shall be posted by the inspectors of the precinct, near the entrance of the election booth and shall there be open to public inspection during the whole of election day.

Sample ballots; form; number; distribution. 4. In all cities of the first class using voting machines, the officer or board charged with the duty of providing ballots shall, and in all other cities using voting machines he may, not less than ten days before each election, provide for each election precinct in which such machine is to be used at least one-half as many sample ballots as the number of votes cast in such precinct at the last preceding general election; said sample ballots to be in the form of a reduced size diagram showing the face of the machine and the names of the candidates, parties and questions thereon, together with such instructions to voters as are required by law. Fifty per cent of such sample ballots shall be on hand at the office of the city clerk or of the board of election commissioners for distribution to such voters as shall call therefor, and fifty per cent shall be delivered to the inspectors of election for distribution to such voters as shall call therefor on the last day of registration and on election.

Publication and delivery of ballots. 5. All ballots shall be published as now provided by law. The ballots for the machines, and also sample ballots, shall be furnished the inspectors at least one day before the election.

Blanks. 6. The officers charged with the duty of providing ballots shall provide for each election precinct in which a voting machine is to be used, return sheets, certificates, and other printed matter necessary for the proper conduct of the election and making up the returns thereof, according to the type of voting machine to be used therein. [1901 c. 459 s. 8; 1905 c. 495 s. 3; Supl. 1906 s. 44—8; 1907 c. 118, 316; 1909 c. 435, 473; 1913 c. 298]

Complete arrangements; officers' school; certificates of proficiency. SECTION 44—9. 1. The board of election commissioners in cities of the first class, the common council of every other city, board of trustees of every village, and the town board of every town in which a voting machine is to be used, shall cause the proper ballot to be put on each machine corresponding with the sample ballots herein provided for, and the machines in every way put in order, set, and adjusted, ready for use in voting when delivered at the precinct; and for the purpose of so labeling the machine, putting in order, setting and adjusting the same, they may employ one or more competent persons who shall be known as the voting

machine custodians, who shall be paid for the time spent in the discharge of their duties, in the same manner as the inspectors of election are paid.

2. The said custodians shall, under the direction of such board of election commissioners or common council, village trustees or town board, cause the machine to be so labeled, in order, set and adjusted, and to be delivered at the voting precinct together with all necessary furniture and appliances that go with the same in the rooms where the election is to be held, at least one hour before the time set for opening the polls on election day.

3. In preparing a voting machine for an election, the custodian shall, according to the directions furnished, arrange the machine and the ballot therefor so that they will in every particular meet the requirements for voting and counting at such election in the manner provided for by the construction of such machine.

4. When a voting machine shall have been properly prepared for the election and delivered at the election precinct, it shall be locked and sealed against any movement, and the officers, common council, village trustees or town board shall provide proper protection to prevent its being tampered with; and the custodian or custodians preparing such machine shall deliver the keys thereof to the clerk of the city, village or town in which the machine is to be used, together with a written report of the condition of the machine.

5. Before an election at which a voting machine is to be used, the said custodian shall instruct each election officer that is to serve in an election district in which the machine is to be used, in the use of the machine and the duties of election officers in connection with it, and shall give to each election officer that has received such instruction and is fully qualified to properly conduct the election with the machine under the conditions that will exist thereat a certificate to that effect. For the purpose of giving such instruction the custodian shall call such meeting or meetings of the election officers as shall be necessary. [1901 c. 459 s. 9; 1905 c. 495 s. 4; Supl. 1906 s. 44—9; 1907 c. 118, 316; 1913 c. 298]

School of instruction; attendance and pay therefor. SECTION 44—10. 1. The election board of each election district in which a voting machine is to be used, shall, before each election at which they are to serve, attend such meeting or meetings as shall be called by the custodian of the machine, for the purpose of receiving such instruction concerning their duties as shall be necessary for the proper conducting of the election with the machine. Each election officer that shall qualify and serve in the election shall be paid the sum of one dollar for the time spent in receiving such instruction, in the same manner and at the same time as he is paid for his services on election day. In no case, however, shall he receive any payment for receiving such instruction unless he thoroughly understands the machine, and is fully qualified to properly perform his duties in connection with its use and has received a certificate to that effect from the custodian of the machine.

2. The members of the election board of each election precinct in which a voting machine is to be used shall meet at the polling place therein at least fifteen minutes before the time set for the opening of the polls at the election, and shall arrange the voting machine and furniture therein for the proper conduct of the election.

3. They shall also, before the opening of the polls, compare the ballot labels on the machine with the sample ballots furnished, and see that the names, numbers and letters thereon agree. They shall also examine the seal upon the voting machine, to see that it has not been broken, and shall examine every counter therein to see that each registers 000. If any counter in the voting machine shall be found not to register 000, a notice of such fact, stating the designating number of such counter, together with the number registered thereon, shall be written out and signed by all the members of the election board and a copy thereof posted in a conspicuous place upon the wall of the polling place, where it shall remain during the election day.

4. The members of the election board shall then certify on each of the blanks furnished for that purpose as to the condition of the voting machine and the counters therein, which blank shall be signed by each member of the board, and after the election one delivered with each copy of the election returns. [1901 c. 459 s. 10; 1905 c. 496 s. 5; Supl. 1906 s. 44—10; 1907 c. 118, 316]

Irregular ballots; electors; canvass. SECTION 44—11. In case a voting machine may be adopted which provides for the registering or recording of votes of candidates whose names are not on the official ballot, such ballots shall be denominated irregular ballots. A person whose name appears on a ballot or on or in a machine or machine system, shall not be voted for, for the same office or on or in any irregular device for casting an irregular ticket, and any such votes shall not be counted, except for the office of presidential electors, and any elector may vote in or on such irregular device for one or more persons nominated by one party with one or more persons nominated by any

or all other parties, or for one or more persons nominated by one or more parties with one or more persons not in nomination, or he may vote in such irregular device a presidential electoral ticket composed entirely of names of persons not in nomination.

As soon as the polls of the election are closed, the inspectors shall immediately lock the machine, or remove the recording device so as to provide against voting, and open the registering or recording compartment in the presence of any person desiring to attend the same, and shall proceed to ascertain the number of votes cast for each person voted for at the election, and to canvass, record, announce and return the same as provided for on the return sheets and certificates furnished. In recording the votes registered on any counter that before the opening of the polls did not register 000, the inspectors shall upon the return sheets subtract the number registered on such counter before the opening of the polls from the number registered thereon at the close of the polls, and the difference between such numbers shall be taken as the correct vote for the candidate whose name is opposite such counter on the voting machine; provided, however, that if the number registered on such counter at the close of the polls shall be smaller than the number registered thereon before the opening of the polls, the number one thousand shall be added to the number registered on such counter at the close of the polls, before such subtraction shall be made. [1901 c. 459 s. 11; 1905 c. 495 s. 6; Supl. 1906 s. 44—11; 1907 c. 118]

Sealing of machine after count; return of irregular ballots and tally sheets. SECTION 44—12. The inspectors as soon as the count is completed and fully ascertained, shall seal, close, lock the machine, or remove the record so as to provide against voting or being tampered with, and in case of a machine so sealed or locked, it shall so remain for a period of at least thirty days, unless opened by order of a court of competent jurisdiction. When irregular ballots have been voted, the inspectors shall return them in a properly sealed package indorsed "Irregular Ballots," and indicating the precinct and county and files such package with the county clerk. It shall be preserved for six months after such election and may be opened and its contents examined only upon an order of a court of competent jurisdiction; at the end of such six months, unless ordered otherwise by the court, such package and its contents shall be destroyed by the county clerk. All tally sheets taken from such machine, if any, shall be returned in the same manner. [1901 c. 459 s. 12; Supl. 1906 s. 44—12; 1907 c. 118]

Election laws made applicable to machine system. SECTION 44—13. All laws of this state applicable to elections where voting is done in another manner than by machine, and all penalties prescribed for violation of such laws shall apply to elections and precincts where voting machines are used in so far as they are not in conflict with the provisions of this act. [1901 c. 459 s. 13; Supl. 1906 s. 44—13; 1907 c. 118]

Penalty for officers' neglect of duty. SECTION 44—14. Any public officer or any election officer upon whom any duty is imposed by this act or who shall wilfully neglect or omit to perform such duties, or do any act prohibited herein for which punishment is not otherwise provided herein, shall upon conviction, be imprisoned in the state prison for not less than one year or more than three years, or be fined in any sum not exceeding one thousand dollars, or may be punished by both such imprisonment and fine. [1901 c. 459 s. 14; Supl. 1906 s. 44—14; 1907 c. 118]

Penalty for tampering with machine after placed in booth. SECTION 44—15. Any person not being an election officer who, during any election or before any election, after a voting machine has had placed upon it the ballots for such election, who shall tamper with such machines, disarrange, deface, injure or impair the same in any manner, or mutilate, injure or destroy any ballot placed thereon or to be placed thereon or any other appliance used in connection with such machine, shall be imprisoned in the state prison for a period of not more than ten years, or be fined not more than one thousand dollars, or be punished by both such fine and imprisonment. [1901 c. 459 s. 15; Supl. 1906 s. 44—15; 1907 c. 118]

Penalty for tampering with to affect result. SECTION 44—16. Whoever, being an inspector of election with intent to permit or cause any voting machine to fail to correctly register or record any vote cast thereon, tampers with or disarranges such machine in any way, or any part or appliance thereof, or who causes or consents to said machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted, so that it will correctly register or record all votes cast thereon or who, for the purpose of defrauding or deceiving any voter or of causing it to be doubtful for what ticket or candidate or candidates or proposition any vote is cast, or of causing it to appear upon said machine that votes cast for one ticket, candidate or proposition were cast for another ticket, candidate or proposition, removes, changes or mutilates any ballot on said machine, or any part thereof, or does any other

like thing shall be imprisoned in the state prison not more than ten years, or fined not exceeding one thousand dollars, or punished by both such fine and imprisonment. [1901 c. 459 s. 16; Supl. 1906 s. 44—16; 1907 c. 118]

Penalty for incorrect return of result. SECTION 44—17. Any inspector or clerk of an election who shall purposely cause the vote registered or recorded on or in such machine to be incorrectly taken down as to any candidate or proposition voted on, or who shall knowingly cause to be made or signed any false statement, certificate or return of any kind, of such vote, or who shall knowingly consent to such things, or any of them being done, shall be imprisoned in the state prison not more than ten years, or fined not more than one thousand dollars, or punished by both such fine and imprisonment. [1901 c. 459 s. 17; Supl. 1906 s. 44—17; 1907 c. 118]

Election by experimental use of machine declared valid. SECTION 44—18. The proper officers authorized by this act to adopt voting machines, may provide for the experimental use at an election in one or more precincts, of a machine approved by the Wisconsin voting machine commission without a formal adoption or purchase thereof, and its use at such election shall be as valid for all purposes as if formally adopted. [1901 c. 459 s. 18; Supl. 1906 s. 44—18; 1907 c. 118]

County board may adopt and purchase voting machines; payment. SECTION 44—19. The county board of any county in this state containing a population of one hundred and fifty thousand or more inhabitants is hereby authorized to adopt and purchase for use in any election precinct or precincts in any such county voting machines of the character and description authorized by law to be adopted, purchased and used by the common council of cities, and the town board of towns, or the village board of villages in the state of Wisconsin. Payment for any such voting machine so purchased may be provided for by the county board in such manner as it shall deem for the best interests of the county; and for that purpose such county board may issue notes, certificates of indebtedness or other obligations which shall be a charge on such county. [1905 c. 269 s. 1; Supl. 1906 s. 44—19; 1907 c. 118]

THE COUPON BALLOT.

Coupon ballot; intent of act. SECTION 44a—1. It is the intention of this act to provide a form of ballot for use at elections, whereby there will be no opportunity for fraudulent practices, one that may be counted rapidly and whereby a complete record will be kept in the tally sheets, showing how each ballot was counted, and this act shall be so construed as to give force and effect to this expressed intention. [1909 c. 545; 1913 c. 629]

County boards may adopt; discontinuance; expense. SECTION 44a—2. 1. After the passage and approval of this act it shall be lawful for the county board of any county, or the city council of any city or the commissioners of any city under commission form of city government, in this state to adopt the hereinafter described coupon ballot and its appropriate tally sheets for use in that county or city at general or city elections and when so adopted said hereinafter described coupon ballot shall be used at general or city elections in the counties or cities where thus adopted. Provided, however, that such county board or city council or the commissioners of any city under commission form of city government may order the discontinuance of such coupon ballot in its respective city or county after it has been used at one or more elections therein and return to the use of such other form of ballot as may be authorized by law. Provided, further, that the expense for furnishing such coupon ballot shall not exceed the present expense for such purpose except in counties or cities where such expense is now less than twelve dollars per thousand, except as the increase in population shall occasion increased expense.

2. Provided, further, that such county board or city council shall, before adopting the provisions of this act, secure the rights under patent to use said coupon ballot within the city or county where thus adopted, and shall not pay more than a royalty of five mills per ballot for such rights. [1909 c. 545; 1911 c. 552; 1913 c. 629]

Form. SECTION 44a—3. Except in city elections under the provisions of sections 35—20 to 35—24, inclusive, all ballots used at elections, in accordance with section 44a—2 of this act, shall be substantially in form as follows:

Sheets; size. (1) The ballot shall consist of a sufficient number of contrastingly colored, perforated sheets stapled together at the top above the first line of perforation. Each sheet shall be approximately six inches wide and as long as may be necessary to accommodate the names of all the candidates of its political designation, printed as hereinafter provided for.

Perforation of sheets. (2) Each sheet shall be perforated into two columns of equal width by two parallel lines of perforation three-fourths of an inch apart, extending from the bottom of the sheet to the first line of cross perforation at the top. Upon such three-

fourths of an inch strip in the center of the sheet shall be printed, lengthwise of the strip, in type as large as the length and breadth of such strip will conveniently permit, the name of the color of the sheet and the party or political designation of the sheet.

Perforation of columns. (3) Each column of each sheet shall be perforated into coupons approximately three-fourths of an inch wide, except that one coupon may be wide enough to accommodate the names of the party candidates for president and vice president and of all the names of the party candidates for presidential electors, when such are to be elected. The first line of perforation near the top of each sheet shall extend across the entire sheet so that the whole sheet of coupons may be readily torn off at such cross line. Provided, however, such two-column arrangement of candidates' names may, if deemed expedient, be departed from in elections where a smaller number of officers are to be elected at general elections, but the color name, the party name or political designation of each sheet and the hereinafter mentioned instructions to voters must appear on each sheet.

Instructions. (4) There shall be space at the top of each sheet to permit the printing of brief instructions to voters above the first cross line of perforation.

Number of sheets. (5) There shall be as many sheets of different colors as there are political parties legally entitled to a party designation upon the official ballot, and a sheet for individual nominations, if there are any, which shall be white and of sufficient length to accommodate all individual nominations. [1909 c. 545; 1913 c. 629]

Coupons; numbering. SECTION 44a-4. The coupons of each sheet shall be numbered consecutively beginning with the upper left-hand coupon which shall be numbered one. Such numbers shall be printed on the outer margins of the coupons in figures eighteen point in size. All party sheets shall contain the same number of coupons and shall be numbered correspondingly. In a general election coupon number one of each sheet shall bear the designation "For Governor" printed at the top of the coupon. In case there are two or more names to be printed upon the sheet for individual nominations for the same office such names shall be alphabetically arranged on separate coupons in rotation, one following the other, and the first of such coupons shall bear the office number of the coupons of the ballot for such office followed by the letter (a) and the next shall bear the same number followed by the letter (b), etc., so that each such coupon shall bear a distinct and different index. In elections other than general elections the proper designation of the office shall precede the names in a manner similar to that provided in section 44a-5. [1909 c. 545; 1913 c. 629]

Officers; names; party designations. SECTION 44a-5. The names of all the candidates of a political party shall be printed upon the sheet of its designation in the following manner. The name of the party's candidate for governor shall be printed on coupon number 1 in the next line below the designation, "For Governor" and shall be followed in the next line by the party designation. The names of the candidates, of the party, for other state offices shall follow on the succeeding coupons in the order now or hereafter provided by law, printed and designated as above stated. The names of the party candidates, for state senator, member of assembly, and county officers shall follow, printed and designated in the same manner, one name on each coupon, unless there be no party nomination for an office, in which case the coupon representing such office shall bear the words "No Nomination," printed in like manner and in such place as the name would have been printed had there been a nomination.

Presidential candidates. The names of the party candidates for president and vice president and presidential electors, if such are to be elected, shall be printed on the last or lower right-hand coupon of the sheet, which shall be of sufficient width for such purpose. Such presidential coupon shall bear the official designation, "For President and Vice President," at the top, followed by the names of the party candidates for president and vice president and the names of the party candidates for presidential electors, and the party designation shall appear at the bottom of the coupon. [1909 c. 545]

Application of ballot in cities. SECTION 44a-5m. In all cities subject to the provisions of sections 35-20 to 35-24 of the statutes, and adopting the provisions of sections 44a-1 to 44a-36, the ballot shall be substantially of the form provided in sections 44a-3 to 44a-18, inclusive, except as necessary to conform the same to the provisions of sections 35-20 to 35-24, inclusive. [1913 c. 629]

Ballot; material; folders; envelopes. SECTION 44a-6. The ballot shall be printed upon paper of sufficient strength and thickness to be convenient for handling when separated into coupons and shall be accurately and efficiently perforated. There shall also be furnished with each ballot, one folder hereinafter called the "Official Ballot Folder" and one envelope hereinafter called the "Remainder Envelope" each of which shall be of an appropriate size. [1909 c. 545]

Ballot folder; construction. SECTION 44a-7. The official ballot folder provided in accordance with section 44a-6 of this act shall be so constructed as to permit the voter

to arrange a complete ticket of separated coupons taken from different sheets of the ballot, in rotation upon its inside, or so that it will inclose a folded sheet from the official ballot, to wit: The inside of the official ballot folder shall be lined with two strips of cardboard, one on each side, which strips shall contain as many cut spaces as there are officers to be elected (counting all presidential electors and president and vice president, as one officer). [1909 c. 545]

Ballot seals. SECTION 44a—8. A number of ballot seals equal to twice the number of ballots furnished to each precinct shall be furnished with the ballots by the officer furnishing the ballots. Said ballot seals shall be efficiently gummed on one side and shall bear the date of the election and a space for numbering the ballot printed on the other side. Such ballot seals shall be of a convenient size for sealing "remainder envelopes" and "inspectors' pockets" and shall be used for such purpose. A record of the number of ballot seals furnished each precinct must be kept. All ballot seals so furnished a precinct must be returned with the ballots, either used or unused as the case may be. [1909 c. 545; 1913 c. 629]

Ballot folder; construction; instructions to voters. SECTION 44a—9. Such official ballot folder shall be so constructed with side and end flaps as to permit its being closed completely to contain selected portions of the ballot. On the inside of the side flap shall be printed instructions to the voter, as follows:

"INSTRUCTIONS TO VOTER.—The voter must inclose in this folder the coupon of every candidate he wishes to elect. A whole party sheet placed in this folder votes a straight ticket. Other coupons found with a whole sheet will be counted instead of the coupons of the same number on the whole sheet. All that part of the ballot not placed in the official ballot folder must be put into the remainder envelope and delivered to the inspectors with the official ballot folder. Both the folder and the remainder envelope must be closed, while in the booth, so that no one can see how the voter has chosen.

"It is unlawful to so handle your ballot that any person can see how you vote; your vote can be challenged for so doing.

"The ballot must not be marked in any manner that will identify it.

"The slits are for holding separate coupons and if they are used, the counting is much easier for inspectors as the coupons will be held in place when the folder is opened."

Such official ballot folder shall be made of opaque paper to preserve the secrecy of the ballot. [1909 c. 545; 1913 c. 629]

Ballot folder; outside; form; instructions. SECTION 44a—10. Upon the outside of the official ballot folder, so situated as not to be interfered with in sealing it, shall be printed the following instructions to inspectors of election as follows:

"OFFICIAL BALLOT FOLDER.

"Instructions to Inspectors of Election.

"When the ballot is received from the voter in proper condition, the remainder envelope must be sealed with a ballot seal by the inspector, in view of the voter, before depositing in ballot box.

"This folder and the envelope containing the remainder of the ballot must be attached together by the inspectors before placing in the ballot box, using the pocket on the outside of the remainder envelope for that purpose, placing this folder into the pocket, and sealing it with a ballot seal.

"The number to be placed on the ballot seal must not be put on until after the ballot is taken out of the ballot box. In case the remainder envelope has been used at previous elections, the old numbers must be covered by the new seal or completely erased so as not to identify the ballot.

"Each ballot must be numbered on the ballot seal which seals the remainder envelope before opening the official ballot folder. After numbering all the ballots, then the official ballot folder of ballot number one shall be opened, its contents counted and recorded on the tally sheets, and its number must appear on the tally sheet opposite its record, after which the official ballot folder containing its coupons shall be closed securely and placed back into its inspectors' pocket before another ballot be opened or counted, and the whole ballot placed into the precinct box provided for returning ballots. After which all other ballots shall be so counted and handled in consecutive order, but not more than one official ballot folder shall be open at any time or out of its proper pocket." [1909 c. 545; 1913 c. 629]

Remainder envelope; construction; sealing. SECTION 44a—11. The remainder envelope provided in accordance with section 44a—6 shall be so constructed as to permit the inclosure of all or any part of the ballot without folding and completely conceal it, before it is sealed. It shall be provided with a flap to permit of its being closed completely to

contain the whole of the remainder of the ballot after the voter has selected his choice. Below the main flap which closes said envelope shall be printed the following:

“REMAINDER ENVELOPE.—Return all the remainder of the ballot, concealed in this envelope.” [1909 c. 545; 1913 c. 629]

Remainder envelope; outside; pocket. SECTION 44a—12. Upon the other side of the remainder envelope there shall be a pocket sufficiently deep to contain the official ballot folder which may only partly conceal such folder, but so provided with a projection, as to permit of securely connecting said official ballot folder and the remainder envelope so that they will not become separated from each other when placed in the ballot box. [1909 c. 545; 1913 c. 629]

Attaching pocket; form. SECTION 44a—13. Upon the aforesaid attaching pocket shall be printed the following:

“INSPECTORS’ POCKET, for official ballot folder. Instructions to inspectors: The official ballot folder must be placed in this pocket and the pocket sealed with a ballot seal by the inspectors and then put into the ballot box,—all in view of the voter.” [1909 c. 545; 1913 c. 629]

Remainder envelope; material. SECTION 44a—14. Said remainder envelope may be made of manila and shall be of sufficient thickness to protect the secrecy of the ballot. [1909 c. 545]

Party tickets; colors; selection. SECTION 44a—15. At any time within three months after the passage of this act the chairmen of the state central committees of all political parties legally entitled to a political designation upon the ballot may meet in the office of the secretary of state and choose by lot or otherwise, a different color for each political party, to be the color of the paper, which the party ticket of the ballot shall be printed upon. [1909 c. 545]

Samples; filing. SECTION 44a—16. If such selection of colors is made by the aforesaid chairmen they shall file samples of the same in the secretary of state’s office and the ballot shall be printed upon such colors where the coupon ballot is in use. [1909 c. 545]

Secretary of state to select, when. SECTION 44a—17. If no such choice of colors has been made prior to such time then it shall be the duty of the secretary of state to make such selections of colors and file samples of the same in his office. [1909 c. 545]

Secretary of state to furnish to county clerks. SECTION 44a—18. 1. After the colors are determined in accordance with sections 44a—15, 44a—16 and 44a—17 the secretary of state shall furnish each county clerk with such samples as will enable him to properly procure the printing of the ballot, to the end that the color shall be the same in all counties using this ballot.

2. It shall also be the duty of the secretary of state to furnish five hundred copies of the law regulating and authorizing the use of the coupon ballot, in pamphlet form, and five hundred copies of sample coupon ballots, sample official ballot folders, and sample remainder envelopes which shall be in substance, except the names of candidates, the same as the coupon ballot should appear in the coming election, to the county clerk or city clerk for distribution in any county or city where the coupon ballot is about to be used for the first time. Such copies of law and sample ballots shall be furnished in time to enable the county clerk or city clerk to cause copies thereof to be posted in each election precinct during the whole of the primary election day next preceding such first use of the coupon ballot at the election, and such county clerk or city clerk shall cause such samples to be thus posted. [1909 c. 545; 1913 c. 629]

Sheet; defined; arrangement. SECTION 44a—19. The top sheet of the ballot shall be understood to be the sheet, the face of which is in sight, when the ballot is seen stapled in proper form. The total number of ballots to be furnished in any county shall be divided into as many equal parts as there are political parties legally entitled to a political designation upon the ballot and each party sheet shall appear on the top in as many ballots as each other party sheet, to the end that there shall be no advantage of position of sheets in the ballot, an equal number of each such arrangement shall be furnished each precinct. [1909 c. 545]

Notice of adoption. SECTION 44a—20. When any county board or common council or commissioners of cities shall have adopted the coupon ballot as provided in section 44a—2 of the statutes, it shall be the duty of the county clerk or city clerk to immediately notify the secretary of state of such adoption. [1909 c. 545; 1913 c. 629]

Ballots; number furnished. SECTION 44a—21. After the adoption of this ballot in any county or city one-half of the number of ballots now authorized by law to be furnished, shall be deemed sufficient unless there shall be some special reason for furnishing a larger number. [1909 c. 545; 1913 c. 629]

Election notice; contents. SECTION 44a-22. After the adoption of the coupon ballot in any county or city the election notice to be published in such county or city shall be prepared by the county clerk or city clerk and shall inform the public of the names of all candidates for offices to be filled at the election, stating their political party, if any, and shall also state that the coupon ballot will be used at such election. If the notice shall then state the colors of the various sheets of the ballot to be used, and the parties that are represented by such colors, after which shall follow the instructions to voters which are to be printed upon the official ballot folder. Such election notice shall further state that any qualified elector who wishes to vote for any person, for any office, whose name is not on the coupon ballot may do so in writing, which must be entirely separate from the coupon ballot, or its envelope or official ballot folder, in such manner that such written vote or ballot shall in no way identify such voter's coupon ballot. [1909 c. 545; 1913 c. 629]

Constitutional amendments; separate ballot. SECTION 44a-23. Whenever a proposed amendment to the constitution or other question shall be submitted to the people in counties or cities where the coupon ballot is in use, such question shall be submitted upon a separate ballot, in the manner now provided by law. [1909 c. 545; 1913 c. 629]

Sample ballots; printing; number. SECTION 44a-24. Each county clerk or city clerk shall, at the time of ordering official ballots printed, in counties or cities where the coupon ballot is to be used, cause unofficial sample ballots to be printed which shall be like the official ballots in all respects, except that the envelopes and folders shall be of a different color and the word "Unofficial" shall be printed in the place of the word "Official" and the words "Sample Ballot" shall appear on the back of each sheet at the top. Such unofficial ballots shall be furnished in like number and manner as now or hereafter provided by law, and used in all respects the same except that voters shall not be permitted to take any part of a sample ballot into the booth. [1909 c. 545; 1913 c. 629]

Ballot clerks; duties; instruction; influence; check labels. SECTION 44a-25. In counties and cities where the coupon ballot is used, one of the ballot clerks shall deliver to each qualified elector one full and complete ballot, one official ballot folder and one remainder envelope. The other ballot clerk shall have charge of the booths, and it shall be his duty to lock into each booth as soon as it is vacated by a voter and in case the voter has left any part of his ballot therein to call his attention to it and his duty to instruct the voter properly prepare his ballot. Such ballot clerk shall not, however, interfere with the secrecy of the ballot in any manner. He shall also keep all persons away from the booths when they are filled with voters. The ballot clerks may instruct the voter how to properly prepare his ballot but must not influence nor try to influence any voter as to whom he should vote for. [1909 c. 545; 1913 c. 629]

Exposure of ballot. SECTION 44a-26. It shall be the duty of any clerk or inspector and any elector may challenge any voter who comes from a booth with a ballot or ballot folder carelessly or wilfully exposed to view, thereby invalidating the secrecy of the ballot. If so challenged such voter shall be required to return to a booth and remain therein long enough to rearrange his ballot, and then come out of his booth with the ballot concealed; otherwise his ballot shall not be received by the inspectors. [1909 c. 545; 1913 c. 629]

Ballot; preparation; voting; depositing. SECTION 44a-27. On the day of the election the elector shall forthwith retire alone to one of the booths erected for the purpose of the same. After preparing his ballot and before coming out of the booth he shall take care to conceal the same so as to conceal the contents of both the official ballot folder and the remainder envelope. He shall then proceed to the presence of the inspectors, who shall both the official ballot folder and the remainder envelope, and the inspectors shall seal the remainder envelope with a ballot seal, and the inspectors shall attach the two parts by placing the official ballot folder into the remainder envelope and seal it in with a ballot seal so that both parts are together. Then the inspectors shall put such attached parts into the ballot folder. After receiving his ballot the voter must not leave the polling place until he has delivered the ballot to the inspectors. The voter must not carry a ballot folder or ballot folder into the polling place. [1909 c. 545; 1913 c. 629]

Rules; determining intent of voter. SECTION 44a-28. The following rules shall govern the voter where the coupon ballot is used for the purpose of determining the intent of the voter:

(1) If any elector shall place inside of the official ballot folder any other sheet of the ballot he shall be deemed to have voted for the party or parties on the whole sheet, unless he shall have inclosed thereon the names of one or more candidates from other sheets of the ballot, also, in which case the other names so inclosed shall be deemed an exception to the party sheet names on the whole sheet, and shall be counted in preference to the names on the whole sheet, even if the voter shall have neglected to remove the names that he did not wish to vote for from the party sheet.

(2) Should the names of two or more candidates for the same office stand upon an equality as regards the evident intention of the voter, then neither shall be counted. for example: two loose coupons of the same number not accompanied by a party sheet. The voter must not write any name upon any part of the ballot and the writing of any name, or any other evident attempt to identify his ballot shall be sufficient grounds for rejecting such identified ballot. [1909 c. 545]

Blank sheets; writing in names; number. SECTION 44a—29. (a) Should the voter wish to vote for any person whose name is not on the ballot, he may do so by writing such name and office on one of the blank sheets hereinafter mentioned, folding it so as to conceal the writing and voting it separately from the coupon ballot, and such name shall be counted for the office named; provided, that the total number of votes for that office shall be less than the total number of electors voting at such polls; provided, however, that no name upon such written ballot shall be counted if the same name is on the coupon ballot.

(b) The county clerk or city clerk of every county or city in which the coupon ballot is used shall furnish, with the other supplies sent to each polling place, a number of sheets of ordinary white paper, equal to the number of ballots furnished, which shall be six inches wide and of sufficient length for the purpose of writing thereon a complete ticket for voting. One such sheet may be given to each voter by the ballot clerks with the ballot, and one such sheet must be given to any voter requesting it. Such blank so furnished for the purpose of writing and voting names not on the coupon ballot must be indorsed by the ballot clerks before delivering to the voter and so folded by the voter as to show such indorsement to the inspectors without exposing contents. [1909 c. 545; 1913 c. 629]

Canvass; numbering ballots. SECTION 44a—30. (a) At the close of the polls, after the poll list has been verified in the manner provided by law, the inspectors shall proceed to number the ballots consecutively on the ballot seals which close the remainder envelopes. After thus numbering, the official ballot folders shall then be opened and their contents recorded upon the tally sheets without removal from the folders, in the following manner:

(b) The official ballot folder of the ballot number one shall first be opened and its contents recorded by number upon the tally sheet opposite the number of the ballot, whereupon it shall be closed and again placed in the pocket of its remainder envelope securely, and the whole ballot placed into the "precinct box" furnished for that purpose. Ballot number two shall then be so opened, recorded and reconnected with its remainder envelope and placed into the "precinct box." Such process shall be continued with all the remaining ballots consecutively until all shall have been so opened, recorded, reconnected with their proper remainder envelopes and placed into the "precinct box." After so placing all the ballots into the "precinct box" the box shall be securely closed and so sealed with a wax seal bearing the impression of the "precinct stamp" as to be impossible of access to its contents without breaking said wax seal. Such "precinct box" containing the ballots so counted and recorded and all unused ballots and envelopes and official ballot folders and ballot seals shall be returned to the county clerk, if a general election, and to the city clerk if a city election. [1909 c. 545; 1913 c. 629]

Precinct boxes. SECTION 44a—31. (a) Each precinct where the coupon ballot is used shall be furnished by the county clerk or city clerk, as the case may be, with a box conveniently made for the purpose of returning ballots. Such boxes shall be known as the precinct boxes, and each box shall have the name of its precinct printed upon it in large, permanent letters. Each precinct box shall also bear the proper address to which it should be returned containing ballots. Such precinct boxes shall be of appropriate size, according to the number of votes to be sent and returned from the precincts, and shall be so arranged as to permit of conveniently sealing them, so that they cannot be opened without breaking the seal string or the wax seal, after being sealed.

(b) At the time that ballots are to be destroyed after each election, each county clerk or city clerk may preserve the official ballot folders and the remainder envelopes, of such ballots to be destroyed, which envelopes and folders may be used again if desirable. [1909 c. 545; 1913 c. 629]

Precinct stamps; sealing. SECTION 44a—32. (a) It shall be the duty of each county or city clerk to procure and furnish to each precinct a metal precinct stamp for sealing purposes. Such precinct stamp shall bear the name of the precinct, and whether city or general election, as the case may be. After using the precinct general election precinct stamp to seal the precinct box such precinct stamp shall be returned to the town or city or village clerk for safe-keeping. Such general election stamp shall bear a tag showing to what officer it should be returned. After using a city election stamp for sealing a precinct box such city precinct stamp shall be returned to the city treasurer for safe-keeping. Each city election precinct stamp shall also bear a tag showing to what officer it should be returned.

(b) It shall be the duty of any person who has charge of an election precinct stamp or stamps to keep them in such a manner that no person can obtain a false wax impression from them. After the expiration of the time for keeping ballots or after the ballots are destroyed such election precinct stamps shall be returned to the city and county clerks respectively, to be again sent out to precincts with other supplies. [1909 c. 545; 1913 c. 629]

Recount; procedure. SECTION 44a—33. In case a recount of the ballots is ordered, the remainders of the ballots may be used for that purpose, giving each one the value of the absent portion. In case the result so obtained by giving a remainder of a ballot the value of its absent portion does not agree with the record of such ballot on the tally sheet then the official ballot folder shall be opened. In the event that it appears that there are too many or too few coupons thus presented to constitute a full and complete ballot, the fact that the remainder envelope has been sealed ever since the voter saw it sealed shall be considered in arriving at the disposition of such ballot by the court or the court's committee as the case may be. [1909 c. 545; 1913 c. 629]

Tally sheets; form; instructions. SECTION 44a—34. The tally sheets used in all precincts using the coupon ballot shall be so arranged as to present an opportunity for quickly recording a ballot in such a manner that the number of the ballot shall appear opposite the record of the ballot. Such tally sheets shall be kept in duplicate by two different persons and shall be balanced and made to agree at the bottom of each sheet of each set. Such tally sheets shall be signed by each member of the election board, except the ballot clerks, in such a manner as to indicate what part of the work was done by each man. After both sets of tally sheets are completed and made to be an exact duplicate of each other, and so signed, then one of such tally sheets shall be placed in the "precinct box" and sealed in with the ballots, and the other shall be sent with the returns to the proper officer. [1909 c. 545; 1913 c. 629]

Conduct of elections. SECTION 44a—36. In the counties or cities that adopt the provisions of this act in accordance with section 44a—2, the elections shall be conducted in all respects the same as now provided by law except where present provisions are inconsistent with the provisions of this act, in which case the provisions of this act shall control. [1909 c. 545; 1913 c. 629]

POLLING BOOTHS AND PARTY REPRESENTATIVES.

Booths, how made; supplies for. SECTION 45. All officers upon whom is imposed by law the duty of designating polling places shall, under the penalties elsewhere prescribed, provide and maintain in each polling place designated by them a sufficient number of places or compartments, at least twenty-four inches wide and deep, with shelves for writing, which shall be furnished with such supplies and conveniences as shall enable voters to conveniently prepare their ballots, and each compartment shall be furnished with a door, screen or curtain of cloth so hung as to completely conceal the voter and any one who may lawfully assist him from observation while marking and preparing his ballot, and said room shall have a guard rail so constructed that only persons within said rail can approach within five feet of the ballot boxes or such places or compartments. The number of such places, shelves or compartments shall not be less than one for every fifty electors who voted at the last preceding general election in the district. No person except the officers of election, other than voters engaged in receiving, preparing or depositing ballots, shall be permitted to be within said rail. The expense of providing and maintaining such places, shelves, compartments, doors, screens or curtains and guard rails shall be provided for in the same manner as other election expenses. [1889 c. 248 s. 16-18; 1889 c. 494; Ann. Stats. 1889 s. 23e; 1891 c. 379 s. 1; 1897 c. 288 s. 34; Stats. 1898 s. 45]

Council, etc., may maintain flags over booths. SECTION 45a. The town board, village board and common council of the several towns, villages and cities of the state shall place and display the national flag on suitable staff over every voting place during all the hours that the polls are open on the day of the general election, and may so display it on other election days and on registration days. The expense of such flag and the erection, care and maintenance of the same shall be a charge against such town, village or city and be audited and paid as other election expenses. [1901 c. 274 s. 1, 2; Suppl. 1906 s. 45a; 1907 c. 118; 1913 c. 436]

Party representatives. SECTION 46. Two party agents or representatives, and a substitute or alternate for each, may be appointed for each polling place to act as challengers for their respective parties and candidates and to observe the proceedings of election officers. Such appointments may be made, in case of a city election, by the chairman of the political committee of any party that has nominated the candidates to be

voted for thereat; in other cases of convention nominations, by the county or other proper local committee of the party making such nominations; and in case of candidates nominated by nomination papers, the candidates may appoint; such appointment shall be in writing under the hand of the person making it, specifying the name and residence of the appointee, election district for which he is appointed, and the name of some substitute to be appointed in case of his failure to serve or absence from polling place, and be filed with the clerk of the city, town or village at least three days before election. The clerk shall thereupon issue a permit, upon a printed slip or card, to such appointee, which shall be his warrant of authority to be present during the election and to be inside the railed inclosure during the counting of the ballots. If any person so appointed as agent fails to serve or shall be absent for any part of election day, the clerk may issue a permit to the substitute or alternate, who may act instead of such absentee or person failing to serve. [1891 c. 379 s. 20; 1893 c. 288 s. 36; Stats. 1898 s. 46]

ELECTION OFFICERS.*

Their appointment and qualifications. SECTION 47. There shall be three inspectors, two clerks of election and two ballot clerks at each poll at every election held under the provisions of this title, who shall be qualified electors at such poll and election. Any inspector may administer any oath required by law in the registration of voters or the conducting of an election. They shall be appointed or chosen in the manner following:

(1) (See sec. 11—12 sub. 2.)

(2) In towns the supervisors shall be inspectors of election when they belong to the opposite political parties casting the greatest number of votes at the last preceding general election. Whenever the supervisors all belong to the same political party, then the supervisor last named in the clerk's certificate of election or recorded in the town clerk's office shall be ineligible and shall not act; but an inspector from the electors present, possessing the qualifications aforesaid, and belonging to the opposite political party casting the greatest number of votes as aforesaid, shall be chosen in his place by the viva voce vote of the electors present at the polling place at the opening of the polls. The town clerk, if present, shall be one of the clerks of election, and the inspectors shall, before opening the polls, appoint another; if he be absent they shall appoint two, and also two ballot clerks. All such clerks shall possess the qualifications hereinbefore prescribed, and belong to the two opposite political parties casting the largest vote as aforesaid.

(3) When a town is divided into two or more election districts as provided in this chapter, the persons named in the order of division shall be election officers at the first election in the district or districts created by such order, and shall hold their offices until their successors are appointed and qualified. The boards of such towns shall, not later than the last Tuesday of September in each year when a general election is to be held, appoint by an order in writing, which shall be filed with the town clerk, officers of election for each election district therein, other than the first; the persons so appointed shall hold their offices until their successors are appointed and qualified. One of the persons appointed inspectors for each district shall be designated as chairman. All the persons so appointed shall possess the qualifications prescribed by the first subdivision of this section.

(4) If at the time fixed for opening the polls on the day of election at any polling place the inspectors, clerks or ballot clerks, or any of them, fail to appear or refuse to act, or have become incapable of acting, the inspectors, if a majority be present, may fill such vacancies. If otherwise, or if the inspectors present fail or refuse to fill the vacancy, the electors present may fill the same by viva voce vote, by choosing some elector present possessing the qualifications and belonging to opposite parties as aforesaid. Provided, however, that in election districts in which voting machines are used no ballot clerks shall be appointed. [R. S. 1849 c. 6 s. 20, 21, 24; R. S. 1858 c. 7 s. 20, 21, 24; 1877 c. 264 s. 1; R. S. 1878 s. 25, 26; Ann. Stats. 1889 s. 25, 26; 1891 c. 379 s. 21; 1893 c. 288 s. 37; Stats. 1898 s. 47; 1903 c. 423 s. 1; 1905 c. 432 s. 2; Spl. S. 1905 c. 2 s. 1; Supl. 1906 s. 47; 1907 c. 118; 1913 c. 773 s. 9]

ELECTION DISTRICTS IN INDIAN RESERVATIONS.

Duty of county board. SECTION 47a. It is hereby made the duty of the county board of every county within whose boundaries there is located an Indian reservation, or

* In the statutes of 1898, section 47 was included under the subtitle "Election Officers and Conduct of Election." The insertion of sections 47a to 47i makes it necessary to split that subtitle.

any part thereof, where the inhabitants of said reservation, or any part of them, have been declared to be citizens of the United States, to create by resolution to be adopted and filed in the office of the county clerk, on or before December 1, 1901, at least one election district on such reservation. [1901 c. 338 s. 1; Supl. 1906 s. 47a; 1907 c. 118]

Petition for election officers; county judge to appoint. SECTION 47b. Upon the written petition of twenty-five qualified electors from such an election district, recommending the names of qualified electors, of such district for appointment as election officers of such district, the county judge of the county in which such district is situated, on or before the first day of August, 1902, shall appoint from the persons so recommended, three election inspectors, two clerks and two ballot clerks who shall hold their respective offices until their successors are duly elected, and have qualified, as hereinafter provided. Not more than two inspectors and one each of the clerks, shall belong to the same political party; such county judge shall file in the office of the county clerk, a certificate of such appointment and shall also forthwith deliver to each such appointee, or mail to him at his usual post-office address, a written notice of such appointment. [1901 c. 338 s. 2; Supl. 1906 s. 47b; 1907 c. 118]

Election of election officers. SECTION 47c. At the general election to be held on the first Tuesday after the first Monday in November, A. D. 1902, and biennially thereafter, the qualified electors of said districts shall elect in the same manner as town officers are elected in fully organized towns, three election inspectors, two election clerks and two ballot clerks who shall be qualified electors of such district, and who when they shall have qualified as by law required, shall act in place of those appointed by the county judge pursuant to this act. A certificate of their election, signed by the inspectors and clerks acting at such election, shall be filed in the office of the county clerk within thirty days after such election and a duplicate thereof delivered to, or left at the residence of the officers so elected within twenty days after such election. Such officers shall hold their respective offices for the term of two years and until their successors shall be elected and qualified. [1901 c. 338 s. 3; Supl. 1906 s. 47c; 1907 c. 118]

Oath of office of election officers. SECTION 47d. Every such election officer, within thirty days after receiving notice of his election or appointment as hereinbefore provided, shall file in the office of the county clerk of the county in which his district is located, his oath of office as prescribed in section 48, chapter 5, of Wisconsin statutes of 1898, and every such election officer who shall be chosen to fill a vacancy as hereinafter provided, shall take such oath before entering upon the discharge of his duties, and file the same in writing with the county clerk within twenty days thereafter. [1901 c. 338 s. 4; Supl. 1906 s. 47d; 1907 c. 118]

Powers and duties of. SECTION 47e. The election officers, by this act provided for, shall have all the powers, rights and privileges, perform all the duties and be subject to all the penalties, including those of boards of canvassers, of like election officers in fully organized towns. The election officers appointed by the county judge shall, at least four weeks before the date of the first caucus, primary election or general election at which the electors of such district are entitled to vote, fix the polling place of such district, which shall be as nearly centrally and conveniently located as practicable, and shall provide suitable election booths therefor, and shall also forthwith give public notice of such place, by publication of such notice in at least one weekly newspaper published in the county wherein said district is located, and by posting copies of such notices in at least four of the most public places in such district. [1901 c. 338 s. 5; Supl. 1906 s. 47e; 1907 c. 118]

Vacancies, how filled. SECTION 47f. In case of vacancy in the said board of election officers and in case of failure of either of them to appear for the performance of their duties, as in subdivision 4, section 47, chapter 5, of the statutes of 1898 provided for, the vacancy shall be filled in the same manner as in said subdivision 4 or acts amendatory thereof provided. [1901 c. 338 s. 6; Supl. 1906 s. 47f; 1907 c. 118]

Rights of electors in district. SECTION 47g. The said election districts and the electors therein, shall have the same right to hold caucuses, primary elections and be represented at conventions preliminary to elections at which such electors are entitled to vote, as have the electors and districts in regularly organized towns. [1901 c. 338 s. 7; Supl. 1906 s. 47g; 1907 c. 118]

Compensation of election officers. SECTION 47h. Each election officer herein provided for, shall receive the sum of two dollars a day for each day actually and necessarily employed as such election officer, to be paid out of the county treasury on bills duly audited by the county board. [1901 c. 338 s. 8; Supl. 1906 s. 47h; 1907 c. 118]

Election laws made applicable to. SECTION 47i. All laws relating to the ballots, the manner of voting, and the canvass and return of votes applicable to election districts

generally, shall be applicable to the election districts hereby provided for, so far as the same are not in conflict with this act. [1901 c. 338 s. 9; *Supl.* 1906 s. 471; 1907 c. 118.]

CONDUCT OF ELECTION.

Canvassing board; oaths of officers. SECTION 48. The inspectors of election shall constitute the board of canvassers of their respective cities, villages, wards or election districts. Previous to receiving any ballot the inspectors, clerks of election and ballot clerks shall severally take an oath or affirmation to support the constitution of the United States, the constitution of the state of Wisconsin, and to perform the duties of inspectors (clerks or ballot clerks, as the case may be) of election according to law, and to studiously endeavor to prevent all fraud, deceit or abuse in conducting the same. Said oath or affirmation shall be in writing, be subscribed by the person taking the same, and annexed to, and returned with, the poll list to the county clerk. [R. S. 1819 c. 6 s. 25; R. S. 1858 c. 7 s. 25; R. S. 1878 s. 28; *Ann. Stats.* 1889 s. 28; 1893 c. 288 s. 38, 39, 41, 42; *Stats.* 1898 s. 38.]

Opening and closing of polls. SECTION 49. 1. In all cities of five thousand inhabitants and over, the polls at the general election shall be opened at six o'clock in the morning and closed at eight o'clock in the evening. In all other cities and in towns and villages the polls at said election shall be opened at nine o'clock in the forenoon and closed at five thirty o'clock in the evening.

2. Provided that in cities having a population of less than five thousand inhabitants and in towns and villages the electors thereof may, by petition, directed to the city council, town or village board, extend the time during which said polls shall remain open to an hour not earlier than six o'clock in the morning, nor later than eight o'clock in the evening. Such petition shall be signed by at least twenty voters of such city, town or village and filed with the clerk thereof not less than twenty nor more than ninety days prior to the holding of the September primary or any regular election. The time fixed by said petition for the opening or closing of the polls shall become effective from and after the date of the filing thereof. [R. S. 1819 c. 6 s. 26, 27; R. S. 1858 c. 7 s. 26, 27; 1879 c. 1 s. 1; R. S. 1878 s. 29; 1881 c. 211; *Ann. Stats.* 1889 s. 29; 1893 c. 288 s. 40; 1897 c. 57; *Stats.* 1898 c. 9; 1899 c. 72 s. 1; 1901 c. 401 s. 1; 1905 c. 251 s. 1; 1905 c. 124 s. 3; *Supl.* 1906 s. 472; 1907 c. 118, 1911; 1911 c. 620; 1913 c. 119.]

Ballot clerks' duty. SECTION 50. The ballot clerks shall only serve on election day. It shall be their duty to take charge of the official ballots, write their names or initials upon the back of each ballot under the printed indorsement thereon, fold it in proper manner to be deposited, and deliver to each voter as he enters the booth one ballot duly folded and indorsed. They may, if requested by any voter, instruct him as to the proper manner of marking his ballot, but shall give no advice nor suggestions, nor express any preference, nor make any requests as to the person or ticket the voter shall vote for. [1889 c. 218 s. 26; 1889 c. 191; *Ann. Stats.* 1889 s. 27c; 1891 c. 379 s. 22; 1893 c. 288 s. 41; *Stats.* 1898 s. 39.]

General elections; method of voting. SECTION 51. On receiving his ballot the elector shall forthwith, and without leaving the polling place, retire alone to one of the booths or compartments to prepare the same. An elector may use or copy an unofficial sample ballot which may have been marked in advance of his entering the polling place, but he shall not use or bring into such place any such ballot printed upon paper of the color or quality required to be used for printing official ballots. After preparing his ballot, the elector shall fold it so that its face will be concealed and so that the printed indorsement and signatures or initials of the ballot clerks thereon may be seen. He shall then vote forthwith and before leaving the polling place. [1889 c. 218 s. 16; 28; 1889 c. 191; 1893 c. 288 s. 42; 1897 c. 57; 1889 c. 191; *Ann. Stats.* 1889 s. 27c; 1891 c. 379 s. 22; 1893 c. 288 s. 42; *Stats.* 1898 s. 39; 1899 c. 72 s. 1; *Supl.* 1906 s. 473; 1907 c. 118, 383.]

Occupancy of shelf; spoiled ballots. SECTION 53. No more than one person shall be permitted to occupy any shelf or compartment at one time, except when assistance may be required for marking a ballot, and not longer than five minutes, provided the other shelves or compartments are occupied. It shall be the duty of the presiding election officer for the time being to enforce the observance of this provision, and to prevent any person from taking any notice how another person marks his ballot, unless required to assist as provided in section 50. Any voter who shall, by accident or mistake, spoil or errorously prepare his ballot may, on returning the same, receive another; but not to exceed three in all. [1889 c. 218 s. 17; 28; 1889 c. 191; *Ann. Stats.* 1889 s. 27c; 1891 c. 379 s. 23; 1893 c. 288 s. 43; *Stats.* 1898 s. 39.]

Aid in marking ballot. SECTION 54. 1. Any voter who declares to the presiding election officer that he is such, that he cannot read or write, or that by physical disability,

other than total blindness, he is unable to mark his ballot, shall be informed that he may have assistance, and when such assistance shall be requested, two of the inspectors, clerks or ballot clerks shall be selected by such voter to assist him in marking his ballot, which inspectors, clerks or ballot clerks shall not be of the same political party. In case the voter is totally blind he may be assisted by any person chosen by him from among the legal voters of the county in which the voting precinct is located. The officers or other person selected by any such voter shall retire to the booth or compartment with the elector, and shall read to him the names of all the candidates on the ballot for each office, and ask him, "Which one do you vote for?" and the ballot shall be marked according to his expressed preference, and such officers or person selected to assist shall certify on the outside of the ballot that it was marked with his or their assistance, and shall thereafter give no information regarding the same.

2. The presiding officer at the election may, in his discretion, require such declaration of disability to be made by the voter under oath, and may administer such oath. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall for that reason be entitled to assistance in marking his ballot. After a ballot has been marked for a voter he shall not show it to any person, except that it may be submitted to another election officer, or if a blind man, to such person as he may select to ascertain if it has been marked as he desired. The clerk shall enter upon the poll list after the name of any elector who had assistance in marking his ballot a memorandum stating that the ballot was marked by two inspectors, clerks or ballot clerks, or by a person selected by a blind man. The provisions of this section shall apply to the marking of ballots upon which any question is submitted to a vote of the people. [1889 c. 218 s. 16-28; 1889 c. 491; *Ann. Stats.* 1889 s. 23e; 1891 c. 379 s. 27; 1893 c. 288 s. 46; *Stats.* 1898 s. 51; 1911 c. 373]

Receipt of ballot at door. SECTION 55. If it shall be announced to the inspectors of any precinct that a voter is at the door who is unable to enter the polling place without assistance, they may, in their discretion, appoint one of their number to take an official ballot and go to the entrance of such place and present it to such physically disabled person, and assist him in marking it, if such person desires him to do so. When the ballot shall have been marked it shall be folded and immediately taken into the polling place, whereupon the inspector shall distinctly announce that he holds in his hand "a ballot offered by (naming the person), a person who is physically disabled from entering the room without assistance." He shall then ask, "Does any one object to the reception of this ballot?" If no objections are offered the ballot shall be deposited in the box, and a minute shall be made on the poll book by the clerks of election thus: "Ballot received at the door." In case objection is made to the reception of the ballot by any qualified elector present the inspectors shall decide upon the objection, and if they deem it well founded shall destroy the ballot; otherwise it shall be deposited; if the ballot is destroyed the inspectors shall immediately notify the voter of the fact. [1891 c. 379 s. 28; 1893 c. 288 s. 47; *Stats.* 1898 s. 55]

Ballots not marked by clerks. SECTION 56. Any person who shall knowingly deposit a ballot in the ballot box upon which ballot the names or initials of the ballot clerks do not appear shall be punished as provided in section 4635, and in the canvass of the votes any ballot which is not indorsed by the signatures or autograph initials of such clerks shall be void, not counted, and be treated and preserved as a defective ballot; provided, that this section shall not apply to ballots cast by women for school officers. [1889 c. 218 s. 16-28; 1889 c. 494; *Ann. Stats.* 1889 s. 23e; 1891 c. 379 s. 29; 1893 c. 288 s. 48; *Stats.* 1898 s. 56]

Voter's marking; determination of intent. SECTION 57. All ballots cast at any election shall be counted for the persons for whom they were intended, so far as such intent can be ascertained therefrom. In determining the intent the following rules shall be observed:

First. If the elector shall place on his ballot at a general election a cross mark or other equivalent mark or symbol under a party designation, at the head of the column, in or near the space indicated for that purpose, he shall be deemed to have voted for all the candidates whose names appear in the column under such mark, unless some name or names shall be erased, or some name shall be written in, or unless in some other column he shall have placed a mark in the square at the right of the name of some other candidate for the same office.

Second. At all elections, whether general or other, when the voter shall place a mark against two or more names for the same office, when only one candidate is to be chosen for the office, he shall be deemed to have voted for none of them, and the ballot shall not be counted for either candidate therefor.

Third. If an elector shall mark his ballot with a cross mark (X), or any other marks, as
 |, A, V, O, /, √, +,
 within the square after; at the right of the name of any candidate, or at any place within the space in which the name appears indicating an intent to vote for such person, it shall be deemed a sufficient vote for the candidate whose name it is opposite.

Fourth. When the elector shall have written the name of a person in the proper place for writing the same he shall be deemed to have voted for that person, although he shall have omitted to erase the name printed in the same column for the same office, or shall have made a mark against the same or against any other name for the same office, or omitted to mark against the name written.

Fifth. A ballot put in without any marks shall not be counted and a ballot not marked at the top shall be counted only for the persons for whom the marks therein are applicable. [1891 c. 379 s. 30; 1893 c. 288 s. 49; Stats. 1898 s. 57; 1899 c. 349 s. 6, 7; Supl. 1906 s. 57; 1907 c. 118, 583]

Special election ballots; city and village. SECTION 59. Whenever the common council of any city or board of trustees of any village shall, by ordinance or resolution, submit any question to a vote of the electors, the city or village clerk shall prepare and distribute ballots in accordance with the last preceding section, or as required by the ordinance or resolution or any statute relating to the subject which is so submitted. When any question is submitted under this or the preceding section and no provision to the contrary is made, the ballot concerning the same may be prepared at the foot of the official ballot; but no such ballot shall be counted on any such question unless a mark is made thereon applicable to it. [1891 c. 379 s. 34, 35; 1893 c. 288 s. 52, 53; Stats. 1898 s. 59; 1907 c. 531]

Correction of error in ballots. SECTION 60. Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names, description of candidates, or in the printing of the ballots, the circuit court of the proper county, or the presiding judge thereof, may, upon application by any elector, by order, summarily require of the county or city clerk to correct such error, or to show cause why it should not be corrected, and by order cause such correction to be forthwith made after such hearing. [1889 c. 248 s. 29-32; Ann. Stats. 1889 s. 23f; 1891 c. 379 s. 36; 1893 c. 288 s. 54; Stats. 1898 s. 60]

Voting of nonregistered electors. SECTION 61. On election day the inspectors shall designate two of their number, at the opening of the polls, who shall check the name of every elector voting in such district whose name is on the registry. Any person whose name is not on the registry, but who is a qualified voter therein shall, nevertheless, be entitled to vote at such election upon compliance with the following provisions, and not otherwise, namely: He shall at the time he offers his ballot, deliver to the inspectors his affidavit in which he shall state that he is a resident of the election district in which he offers to vote, naming the same, and that he is entitled to vote therein, that he has resided in said election district ten days next preceding said election, and shall give the street and number of his residence, that he is a citizen of the United States, that he is twenty-one years of age, that he has resided in the state one year next preceding said election, which said affidavit shall be substantiated by the affidavit of two freeholders, electors in such district, corroborating all the material statements therein. No compensation shall be paid or received for taking or certifying any such affidavit. No one freeholder shall be competent to make at any one election, corroborating affidavits for more than five voters. All such affidavits shall be sworn to before some officer authorized by the laws of this state to administer oaths.

The inspectors shall keep a list of the names and residences of the electors voting whose names are not on said completed registry, attach such list to the registry, and return it, together with all such affidavits, to the proper town, city or village clerk. Provided, that the affidavit of any person who may not be a full citizen and who shall be entitled to vote at any election prior to December 1, 1912, shall be in the following form: That he is a resident of the election district in which he offers to vote, naming the same, and that he is entitled to vote therein, that he has resided in said election district ten days next preceding said election, and shall give the street and number of his residence, that he is a citizen of the United States (or has declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization), that he is twenty-one years of age, that he has resided in the state one year preceding said election. [1864 c. 445 s. 5-7, 11; 1877 c. 264 s. 7, 8, 11; R. S. 1878 s. 23; 1878 c. 317; 1887 c. 543; 1889 c. 190; Ann. Stats. 1889 s. 23; 1893 c. 288 s. 55; Stats. 1898 s. 61; 1907 c. 33; 1911 c. 632]

Filing and return of poll and registry list. SECTION 62. On the day following the election, one of said poll lists and one copy of the registry so kept and checked shall be attached together and filed in the office of the proper town, city or village clerk, and two of said poll lists and copy of the registry shall, with all convenient dispatch and within two days after the election, be returned to the county clerk with the returns of the election. [*R. S. 1858 c. 7 s. 56; R. S. 1878 s. 44; 1887 c. 360; 1889 c. 308; Ann. Stats. 1889 s. 44; 1893 c. 288 s. 56; Stats. 1898 s. 62; 1911 c. 650*]

Penalty for neglect to return poll lists. SECTION 62*m*. 1. Whenever the inspectors of election in any polling place shall fail or neglect to keep, and within forty-eight hours after the closing of the polls upon any election day, to deliver to the county clerk, two of the poll lists containing the post-office address of every voter having voted at such election, every inspector of election at such polling place shall forfeit the sum of twenty-five dollars, to be collected as provided by law for the collection of forfeitures.

2. If such two poll lists are not delivered to such county clerk within five days after the closing of the polls upon any election day, the county clerk shall report such failure or neglect to the district attorney, who shall forthwith begin and speedily prosecute an action for the collection of such forfeitures. [*1911 c. 650*]

Poll lists forwarded to secretary of state; penalty. SECTION 62*n*. Within thirty days after any general election, the county clerk in every county in the state shall forward to the secretary of state, one of the poll lists of every polling precinct in his county. Any county clerk failing or neglecting to comply with the provisions of this section shall forfeit the sum of one hundred dollars, to be collected as provided by law for the collection of such forfeitures. [*1911 c. 650*]

Ballot boxes. SECTION 63. There shall be provided and kept by the clerk of each town, city or village, at the expense thereof, suitable ballot boxes for each poll therein, with a suitable lock and key to each, and there shall be one opening through the lid of each such box of no larger size than shall be sufficient to admit a single closed ballot. [*R. S. 1849 c. 6 s. 33, 34; R. S. 1858 c. 7 s. 40, 41; R. S. 1878 s. 30; Ann. Stats. 1889 s. 30; 1893 c. 288 s. 57; Stats. 1898 s. 63*]

Boxes to be locked. SECTION 64. The inspectors of election, or one of them, immediately before proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of everything that may be in them, and lock them; and they shall not be reopened, except as hereinafter provided in case of adjournments, until the close of the polls for the purpose of counting the ballots therein. [*R. S. 1849 c. 85 s. 19; R. S. 1858 c. 7 s. 28; R. S. 1878 s. 31; Ann. Stats. 1889 s. 31; 1893 c. 288 s. 58; Stats. 1898 s. 64*]

How ballot to be voted. SECTION 65. Each elector, having prepared his ballot as hereinbefore provided, shall, publicly at the poll where he offers to vote, deliver in person to one of the inspectors a single official ballot, and the inspector receiving the same shall, without opening it or permitting it to be opened or examined, deposit it in the box. [*R. S. 1849 c. 6 s. 29, 36; R. S. 1858 c. 7 s. 29, 31, 42; R. S. 1878 s. 32; Ann. Stats. 1889 s. 32; 1893 c. 288 s. 59; Stats. 1898 s. 65*]

Poll lists, how kept. SECTION 66. 1. The clerks of election shall keep three poll lists on which shall be entered the full name and post-office address of each person voting at such election in the order in which their ballots are cast; and on request of the inspectors each elector shall state his full name and post-office address before the ballot shall be received.

2. When any person shall have taken the oath provided in section 61 before voting, the clerk shall write at the end of such person's name on the poll list the word "Sworn." [*R. S. 1849 c. 6 s. 37; 1857 c. 85 s. 17; R. S. 1858 c. 7 s. 33, 43; 1864 c. 445 s. 8; 1877 c. 264 s. 9; R. S. 1878 s. 34; 1878 c. 317; Ann. Stats. 1889 s. 54; 1893 c. 288 s. 60; Stats. 1898 s. 66; 1909 c. 476; 1911 c. 650*]

Elector to give residence. SECTION 67. At every poll where a registry of electors is required, every elector at the time of offering his ballot shall truly state the street and number of the house or tenement, if numbered, or other location, in which he resides, and the clerks of election shall truly enter in the appropriate column of the poll lists, opposite his name, the street and number or other location of such house or tenement, or the name of the hotel or boarding house, and if such house or tenement be not numbered the clerks shall enter "Not Numbered." If any elector offering to vote at any such poll shall refuse to make such statement, his ballot shall not be received. The clerks shall also enter upon the poll lists, opposite the name of every elector so voting whose name was not duly registered, the words, "Not Registered." [*R. S. 1849 c. 6 s. 37; 1857 c. 85 s. 17; R. S. 1858 c. 7 s. 35, 43; 1864 c. 445 s. 8; 1877 c. 264 s. 9; R. S. 1878 s. 34; 1878 c. 317; Ann. Stats. 1889 s. 54; 1893 c. 288 s. 61; Stats. 1898 s. 67*]

Challenge, who may make, and proceedings on. SECTION 68. Each inspector shall, and any elector may, challenge every person offering to vote whom he shall know or suspect not to be duly qualified as an elector. If such a person is challenged as unqualified, one of the inspectors shall tender to him the following oath or affirmation: You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector of this election; and shall thereupon put questions as follows:

First. If a person be challenged as unqualified on the ground that he is not a citizen: Are you a citizen of the United States?

Second. If the person be challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election:

(1) How long have you resided in this state immediately preceding this election?

(2) Have you been absent from this state within the year immediately preceding this election? If yes, then—

(3) When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

(4) What state or territory did you regard as your home while absent?

(5) Did you, while absent, vote in any other state or territory?

Third. If the person be challenged as unqualified on the ground that he is not a resident of the election district where he offers his vote:

(1) When did you last come into this election district?

(2) Did you come for a temporary purpose merely, or for the purpose of making it your home?

(3) Did you come into this election district for the purpose of voting therein?

(4) Are you now and have you been for the last ten days an actual resident of this election district and what is the particular description, name and location of your residence?

(5) Have you registered to vote at this election at any other place within this state?

Fourth. If the person be challenged as unqualified on the ground that he is not twenty-one years of age: Are you twenty-one years of age to the best of your knowledge and belief?

Fifth. If the person be challenged as unqualified on the ground that he has made or become directly or indirectly interested in any bet or wager depending upon the result of such election:

(1) Have you made in any manner any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at this election?

(2) Are you in any manner, directly or indirectly, interested in any bet or wager depending in any way whatever upon the result of this election?

Sixth. If the person be challenged as unqualified on the ground that he has been convicted of treason, felony or bribery and not subsequently restored to civil rights:

(1) Have you ever been tried or convicted in this state of any crime? If yes, then—

(2) Of what crime, when and in what court were you so convicted?

(3) Have you in any manner since such conviction been restored to civil rights, and if yes, how?

Seventh. If the person be challenged as unqualified on the ground that he has been engaged, directly or indirectly, in a duel, either as principal or accessory:

(1) Have you ever been engaged in any duel, directly or indirectly, either as principal or as a second, or in counseling or aiding either principal or second in a duel? And if yes, then—

(2) When and where, and had you before that time been an inhabitant of this state?

Eighth. If the person be challenged as unqualified on the ground that he is a person of Indian descent, a member of an Indian tribe or an uncivilized Indian:

(1) Are you a person of Indian descent?

(2) Of what tribe or nation are you a descendant?

(3) Are you now a member of any Indian tribe?

(4) Have you received any annuity from the United States or any agent thereof, or shared in any, and, if so, when did you last so receive or share in any?

The inspectors, or one of them, shall put such other questions to the person challenged as may be necessary to test his qualifications as an elector at such election. [*R. S. 1849 c. 6 s. 41; 1857 c. 85 s. 13, 18; R. S. 1858 c. 7 s. 33, 34, 47; R. S. 1878 s. 35, 36; 1889 c. 507 s. 1; Ann. Stats. 1889 s. 35, 36; 1893 c. 288 s. 62, 63; Stats. 1898 s. 68; 1913 c. 335*]

Rules for determining qualifications. SECTION 69. In determining the question of residence as a qualification to vote, the following rules, so far as applicable, shall

govern, and if a person offering to vote be challenged as unqualified on the ground of residence, the inspectors shall admonish him of such rules, and put to him such further questions as shall be proper to elicit the facts in respect thereto, namely:

First. As prescribed in the constitution, no person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or this state; and no soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed within the same.

Second. That place shall be considered and held to be the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

Third. A person shall not be considered or held to have lost his residence who shall leave his home and go into another state or county, town or ward of this state for temporary purposes merely, with an intention of returning.

Fourth. A person shall not be considered to have gained a residence in any town, ward or village of this state into which he shall have come for temporary purposes merely.

Fifth. If a person remove to another state with an intention to make it his permanent residence, he shall be considered and held to have lost his residence in this state.

Sixth. If a person remove to another state with the intention of remaining there for an indefinite time and as a place of present residence, he shall be considered and held to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

Seventh. The place where a married man's family resides shall generally be considered and held to be his residence; but if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

Eighth. If a married man has his family fixed in one place and does his business in another, the former shall be considered and held to be his residence.

Ninth. The mere intention to acquire a new residence, without removal, shall avail nothing; neither shall removal without intention.

Tenth. If a person shall go into another state and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this state.

Eleventh. No person shall be deemed to have gained a residence in any town, ward or village in this state, so as to entitle him to vote at any election therein, by remaining in such town, ward or village as a pauper, supported by the town, village or county in which he shall be living at the time of such election; and no person shall be deemed to have lost his residence in any town, ward or village by remaining in any other town, ward or village as such pauper.

Twelfth. If an unmarried person sleeps in one ward and boards in another, the place where he sleeps shall be considered his residence. Any registered voter who shall remove from one precinct to another between the last registration day and election day shall, upon presentation of affidavits from the inspectors of the precinct from which he removes, showing registration in such precinct, be considered a resident of the precinct to which he has moved and shall be entitled to vote therein.

Thirteenth. If an unmarried person be employed on a railroad, boat or stage line and boards at different places, if one of those places be with his parents, that place shall be considered his residence unless he has, by registering to vote elsewhere or by the performance of some other kindred act, elected some other place as his residence. If he has no parents and has not registered at any other place, he shall be asked: Do you consider this your place of residence, and have you so considered it for the past ten days in preference to any other place? If he answers in the affirmative he shall be entitled to all the privileges and be subject to all of the duties of other citizens in such place in the matter of voting, jury service, poll taxes and assessments for taxes.

Fourteenth. Each inmate of any national or state home for soldiers in this state shall be deemed to reside in the town, city or village, in which said home shall be located, and in the election district in which he shall sleep, unless such inmate shall elect to treat his fixed place of residence prior to his becoming an inmate of such home, as his place of residence. [1857 c. 85 s. 2; R. S. 1858 c. 7 s. 30; 1861 c. 47; R. S. 1873 s. 37; 1889 c. 507 s. 2; Ann. Stats. 1889 s. 37; 1893 c. 288 s. 61; 1897 c. 372; Stats. 1898 s. 69; 1909 c. 27, 435]

Ballot of challenged voter to be marked. SECTION 70. Whenever the right of any person offering to vote is challenged for any cause recognized by law, if the inspectors shall determine to receive his vote, after the provisions of law are complied with, they shall, before depositing his ballot in the box, write or cause to be written upon the back of such ballot the number of such challenged person upon the tally sheet or voting list

kept at such election. [1885 c. 464 s. 1; *Ann. Stats. 1889 s. 37a*; 1893 c. 288 s. 65; *Stats. 1898 s. 70*]

Oath to challenged person. SECTION 71. If the person challenged shall refuse to answer fully any questions so as aforesaid put to him, the inspectors shall reject his vote. If the challenge be not withdrawn after the person offering to vote shall have answered such questions, one of the inspectors shall then tender to him the following oath or affirmation: You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States; that you have resided in this state one year next preceding this election; that you are now a resident of this election district and have been for the last ten days; that you have not voted at this election, and that you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election, and that you are not on any other ground disqualified to vote at this election. If the person challenged shall refuse to take such oath or affirmation his vote shall be rejected; but if he shall then take such oath his vote shall be received; provided, that the requirements of law respecting registration, when applicable, have been complied with by such person. [*R. S. 1849 c. 6 s. 32*; 1857 c. 85 s. 11, 16; *R. S. 1858 c. 7 s. 35-37, 39*; *R. S. 1878 s. 38*; 1889 c. 507 s. 3; *Ann. Stats. 1889 s. 38*; 1893 c. 288 s. 66; *Stats. 1898 s. 71*; 1911 c. 632; 1913 c. 335]

Votes to be rejected. SECTION 72. The inspectors shall reject the vote of any person under guardianship, non compos mentis or insane. [*R. S. 1878 s. 39*; *Ann. Stats. 1889 s. 39*; 1893 c. 288 s. 67; *Stats. 1898 s. 72*]

Officers not to change ballot. SECTION 73. No officer of election shall issue, write, change or alter for any person on any election day any ballot, and any such officer who shall violate any of the foregoing provisions, or mark any ballot, except as provided by law, or disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both fine and imprisonment. [1887 c. 499; *Ann. Stats. 1889 s. 39a*; 1893 c. 288 s. 68; *Stats. 1898 s. 73*]

Proceedings on adjournment. SECTION 74. At each adjournment of the poll the clerks shall, in the presence of the inspectors, compare their respective poll lists, compute and set down the number of votes, and correct all mistakes that may be discovered, according to the decision of the inspectors, until such lists shall be made in all respects to correspond. The ballot box shall then be opened and the poll lists placed therein; and such box shall then be locked, and a covering with a seal placed on the opening in the lid of such box so as to entirely cover the same, and the key delivered to one inspector and the box to another, to be designated by the inspectors. The inspector having the key shall keep it in his own possession, and deliver it again to the inspectors at the next opening of the poll; and the inspector having the box shall carefully keep it without opening or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it to the inspectors at the next opening of the poll, when the seal shall be broken and the box opened, and the poll lists taken out and the box again locked. [*R. S. 1849 c. 6 s. 38-40*; *R. S. 1858 c. 7 s. 41-46*; *R. S. 1878 s. 40*; *Ann. Stats. 1889 s. 40*; 1893 c. 288 s. 69; *Stats. 1898 s. 74*]

Preservation of order. SECTION 75. The inspectors shall possess full authority to maintain order and to enforce obedience to their lawful commands during an election and during the canvass of votes. If any person shall refuse to obey their lawful commands or by disorderly conduct in their presence or hearing interrupt or disturb their proceedings, they may order any constable or other person to take him into custody during the election. [*R. S. 1849 c. 6 s. 41, 42*; *R. S. 1858 c. 7 s. 47, 48*; *R. S. 1878 s. 41*; *Ann. Stats. 1889 s. 41*; 1893 c. 288 s. 70; *Stats. 1898 s. 75*]

CANVASS OF VOTES AND DELIVERY OF RETURNS.

How canvass made. SECTION 76. As soon as the poll of the election shall be finally closed the inspectors shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such poll, and continue without adjournment until the canvass is completed and the statements hereinafter required are made. They shall commence by a comparison of the poll lists and the correction of any mistakes therein, until they shall be found or made to agree. The box shall then be opened and the ballots therein taken out and counted by the inspectors, unopened, except so far as to ascertain whether each ballot is single; and if two or more ballots be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballots is completed; and if, upon a comparison of the count and the appearance of such ballots, a majority of the inspectors shall be of opinion that the ballots thus folded together were voted by one elector

they shall be destroyed. If the ballots in the box shall be found to exceed in number, after any such ballots folded together are destroyed, the whole number of votes shown by the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw therefrom by chance, and without examination thereof, and destroy so many ballots unopened as shall be equal to such excess. The number of ballots agreeing, or so as aforesaid being made to agree, with the poll lists, the inspectors shall then proceed to open and count and ascertain the number of votes. [*R. S. 1849 c. 6 s. 40-46; R. S. 1858 c. 7 s. 49-53; R. S. 1878 s. 42; Ann. Stats. 1889 s. 42; 1893 c. 288 s. 71; Stats. 1898 s. 76*]

Canvass and return; precinct; statement of results; announcement. SECTION 77. The canvass being completed, the inspectors shall then publicly announce the result thereof, specifying the whole number of votes cast for each office and each person to fill the same respectively, and for and against each proposition voted for, and immediately draw up a statement in writing thereof in duplicate, setting forth therein, in words at length and in figures, the whole number of votes given for each office at such election, the names of all persons for whom votes were given as shown upon the ballots, the number of votes so given for each person, and the number of votes given for and against each proposition voted for, if any, at such election, and the number of the last voter as shown by the poll list, which statements they shall certify to be correct, and subscribe with their names. [*R. S. 1849 c. 6 s. 48; 1857 c. 85 s. 22; R. S. 1858 c. 7 s. 50, 54, 55; R. S. 1878 s. 43; Ann. Stats. 1889 s. 43; 1893 c. 288 s. 72; Stats. 1898 s. 77; 1909 c. 435*]

Return, how made. SECTION 78. The chairman of the inspectors or one of them appointed by him shall immediately after the general election of November, 1912, and biennially thereafter, deliver to the clerk of the town, city or village one of said statements and poll lists, to be filed and preserved in his office, and shall, with all convenient dispatch and within two days after such election, deliver to, or send by registered letter from the nearest postoffice, the other statement and two poll lists to the county clerk, they having been by the inspectors carefully sealed up, with the oaths of the inspectors and clerks affixed, in an envelope properly directed to such clerk. The person delivering or sending such returns shall receive as compensation therefor, fifty cents, together with postage and registration fees paid by him, to be paid out of the town, city or village treasury. [*R. S. 1858 c. 7 s. 56; R. S. 1878 s. 44; 1887 c. 560; 1889 c. 308; Ann. Stats. 1889 s. 44; 1893 c. 288 s. 73; Stats. 1898 s. 78; 1901 c. 148 s. 1; Supl. 1906 s. 78; 1907 c. 118; 1911 c. 650; 1913 c. 459*]

Penalty for failure to deliver. SECTION 79. If the person to whom such returns are delivered shall fail or neglect to send or deliver them to the county clerk within such time, he shall be liable for all expenses incurred in procuring such returns by special messenger or otherwise, and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not more than twenty days or by both such fine and imprisonment. [*1893 c. 288 s. 74; Stats. 1898 s. 79; 1901 c. 118 s. 2; Supl. 1906 s. 79; 1907 c. 118*]

Defective ballots; sealing; return; destruction; contests. SECTION 80. If any of the ballots cast at any election are found to be so defective that the inspectors cannot determine with reasonable certainty for whom they were cast, and if any were cast by any person who shall have been challenged, and if any shall be decided by a majority of the inspectors to be or not to be defective, the inspectors shall make a statement in writing, in duplicate, certified to be correct and signed by them, of the contents of each of such ballots, attach such statement to the statements of the canvass, and carefully seal up in an envelope all such ballots, and deliver the same as hereinafter provided. No ballot shall be regarded as defective by reason of the misspelling of a candidate's name, or by abbreviation, addition, omission or use of the wrong initial of such name, but every ballot shall be counted for the candidate for whom it was evidently intended, if the intention of the voter can be clearly ascertained from the ballot itself. Before separating, the inspectors shall fold in two folds and string closely upon a single piece of flexible wire, all ballots which shall have been counted by them, except those marked "Objected To." unite the ends of such wire in a firm knot, seal the knot in such manner that it cannot be untied without breaking the seal, inclose the ballots so strung in a secure canvas covering and securely tie and seal such canvas covering with official wax impression seals, to be provided, by the inspectors in such manner that it cannot be opened without breaking the seals, and return said ballots, together with the package containing the ballots marked "Defective or Objected to" in such sealed canvas covering to the county clerk, and such officer shall carefully preserve said ballots for sixty days, and at the expiration of that time shall destroy them by burning without previously

opening the package. Such ballots shall be destroyed in the presence of the official custodian thereof and two electors of approved integrity and good reputation and members respectively of the two leading political parties. The said electors shall be designated by the county judge of the county in which such ballots are kept. Provided, that if any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections the parties contesting the same shall have the right to have said ballots opened, and to have all errors of the inspectors in counting or refusing to count any ballot, corrected by the court or body trying such contest, but such ballots shall be opened only in open court or in open session of such body and in the presence of the officer having the custody thereof. [*R. S. 1849 c. 6 s. 50; R. S. 1858 c. 7 s. 57; R. S. 1878 s. 45; 1889 c. 507 s. 4; Ann. Stats. 1889 s. 45; 1893 c. 288 s. 75; Stats. 1898 s. 80; 1905 c. 287 s. 1; Supl. 1906 s. 80; 1907 c. 115*]

COUNTY CANVASS.

Board of canvassers. SECTION 81. On the Tuesday next succeeding the election, or at any time sooner if all the returns are sooner received, the county clerk shall take to his assistance from among the following-named officers of the county, to wit, the county judge, register of deeds, members of the county board or justices of the peace, two associate canvassers, one of whom shall not be of the same political party as such clerk, and who shall constitute with such clerk a board of county canvassers; and in case all the above-named officers should belong to the same political party, then said clerk shall elect from the opposite political party some reputable citizen and elector to act as the third member of said board. In case of vacancy in the office of county clerk, or when from absence, sickness or other inability such clerk cannot perform the duties enjoined upon him, the clerk of the circuit court, or if there be no such clerk, or he be unable to perform such duties, then the chairman of the county board shall perform the duties required of the county clerk by this and the following sections, and be subject to the same punishment for violation thereof. [*R. S. 1849 c. 6 s. 51, 60; R. S. 1858 c. 7 s. 58, 67; 1867 c. 85 s. 1; 1873 c. 101; R. S. 1878 s. 46; 1885 c. 272; Ann. Stats. 1889 s. 46; 1893 c. 288 s. 76; Stats. 1898 s. 81*]

Missing and informal returns. SECTION 82. If on the day appointed for the county canvass there shall fail to be an attendance of three canvassers, the clerk shall procure a full attendance of such canvassers, and may therefor adjourn the canvass one day, when the canvass shall proceed. On the assembling of the board they shall open and examine the returns, and if from any town, ward, election district or poll of the county no returns shall have been received, they shall forthwith dispatch a messenger therefor, and the person having them in charge shall deliver such returns to said messenger; and if, on examination of any returns received, they shall be found so informal or incomplete that the board cannot intelligently canvass them, they shall dispatch a messenger with such returns to the inspectors who made them with a written specification of the informalities or defects, and command them to forthwith complete the same in the manner required by law and deliver them to said messenger, which such inspectors shall do. Every such messenger shall safely keep all such returns, exhibit them to no person except the inspectors, and deliver them to the county clerk with all convenient dispatch. For such purposes the board may adjourn as may be necessary, not more than four days at one time nor more than eight days in all. [*R. S. 1849 c. 6 s. 61; R. S. 1858 c. 7 s. 65; 1867 c. 85 s. 3; 1868 c. 19 s. 1; 1875 c. 340; R. S. 1878 s. 47; Ann. Stats. 1889 s. 47; 1893 c. 288 s. 77; Stats. 1898 s. 82*]

Returns, how made. SECTION 83. The returns having been obtained as hereinbefore provided, the board shall proceed thereupon to make out a separate statement, written in words at length, containing the whole number of votes given in such county for each state officer voted for and for United States senator and for representative in congress, the names as returned of all the persons to whom such votes were given and the number of votes given to each; another similar statement of the votes given for electors of president and vice president; another of the votes given for senator, when the county alone does not constitute a senate district; another of the votes given for member of assembly, when the county alone does not constitute an assembly district; another of the votes given for county officers, and another of the votes given for senators and members of the assembly, when the county constitutes one or more senate or assembly districts, specifying the number of votes for each person for senator and member of assembly in each such district respectively. They shall append to each such statement as part thereof a succinct tabular exhibit, in figures, of the votes cast at each election poll in the county for each

office and person entering into the canvass embraced in such statement, whether canvassed or not, and if any votes were rejected shall specify the reasons therefor. Each statement shall be certified as correct and attested by the signatures of the said canvassers, and filed and recorded in the office of the county clerk. [*R. S. 1849 c. 6 s. 56; R. S. 1858 c. 7 s. 58, 59; 1867 c. 85; R. S. 1878 s. 48; Ann. Stats. 1889 s. 48; 1893 c. 288 s. 78; Stats. 1898 s. 83; 1913 c. 634*]

Determination and publication of result. SECTION 84. 1. They shall then determine the persons who have been, by the greatest number of votes, elected to the several county offices and members of the senate and assembly, when the county constitutes one or more senate or assembly districts. Their determination shall be reduced to writing, setting forth the whole number of votes given for each office and the number of votes received by each candidate; provided, however, that the names of persons not regularly nominated, receiving a comparatively small number of votes, may be omitted, and their votes designated as scattering votes. Each determination shall be certified by them as correct and be annexed to the statement of votes given for such offices respectively, and filed and recorded with the same; provided, however, that in any case, if any two or more candidates for the same county office shall have received the greatest and an equal number of votes, the board of canvassers shall determine the choice by lot, which lots shall be drawn by the persons receiving the equal number of votes; or in the absence of one or both of such persons or their refusal to draw by lot, the board of canvassers shall appoint a competent person to draw the same for them and declare and certify the same accordingly.

Publication. 2. Such determination shall be published in one or more newspapers of the county which the canvassers shall designate. If the canvassers decide to have said publication in more than one newspaper in said county, they shall designate at least one professing the political faith of the party which received the highest number of votes at the last general election in said county, and at least one professing the political faith of the party which received the next highest number of votes at the last general election. The papers so designated shall be paid by the county. [*R. S. 1849 c. 6 s. 53; R. S. 1858 c. 7 s. 60; 1867 c. 85 s. 2; R. S. 1878 s. 49; Ann. Stats. 1889 s. 49; 1893 c. 288 s. 79; Stats. 1898 s. 84; 1909 c. 488; 1911 c. 492*]

Certificate of election. SECTION 85. The county clerk shall immediately make out, in pursuance of the determination of such board, a certificate of election for each person having the greatest number of votes for any county office, or for member of the senate or assembly when the county constitutes one or more senate or assembly districts, and deliver the same personally to such person, which notice shall also state the amount of the official bond, if any, required to be given by such person. Such personal service of such notice shall be deemed for all statutory and legal purposes official notification to such person of his election to such office. [*R. S. 1849 c. 6 s. 54; R. S. 1858 c. 7 s. 61; R. S. 1878 s. 50; Ann. Stats. 1889 s. 50; 1893 c. 288 s. 80; Stats. 1898 s. 85; 1899 c. 3 s. 1; Supl. 1906 s. 85; 1907 c. 118*]

Recount; appeal to circuit court. SECTION 86. 1. Whenever any candidate, voted for at any primary or election, shall, on or before the last day of the meeting of the board of county canvassers, file with the county clerk a verified petition setting forth that he was a candidate for a specified office at said primary or election, and that he is informed and believes that a mistake or fraud has been committed in specified precincts in the counting or return of the votes cast for the office for which he was a candidate, or specifying any other defect, irregularity or illegality in the conduct of said primary or election, said board shall forthwith proceed to ascertain and determine the facts alleged in said petition and make correction accordingly and recount the ballots in every precinct so specified in accordance therewith. Such petition shall first be served, as in case of summons in a court of record, upon all opposing candidates, if an election, and the opposing candidates of the same party, if a primary. Such petition and proof of service thereof shall be filed with the county clerk, together with a fee of two dollars for each precinct in which a recount of the ballots is demanded in said petition. The affiant and all opposing candidates shall be entitled to be present in person and by counsel and observe the proceedings.

2. Each member of said board of canvassers, for the purposes mentioned in this section, shall have power to administer oaths, certify to official acts and issue subpoenas, and the provisions of section 1797—13, with regard to compelling the attendance of witnesses, shall apply to the proceedings before such board, except that the fees of witnesses shall be paid by the county.

3. Within five days after the determination of said board, any candidate aggrieved thereby may appeal therefrom to the circuit court of said county, by serving a notice in writing to that effect upon such other candidates who appeared before said board. Such

notice shall be filed with the clerk of the circuit court, together with an undertaking by the appellant, with surety to be approved by the clerk of said court or the judge thereof, conditioned for the payment of all costs taxed against said appellant. The circuit judge shall forthwith issue an order directing the county clerk of said county to transmit to the clerk of said court forthwith all ballots, papers and records affecting such appeal and fixing a time and place for hearing thereon, in open court or at chambers, or before a referee, not later than five days from the making of such order. Such order shall be served upon the county clerk and all such other candidates who have appeared before said board. A reference may be ordered upon any or all questions. At the time and place so fixed the matter shall be summarily heard and determined and the costs taxed as in other civil actions.

4. Nothing in this section shall be construed to abrogate any right or remedy that any candidate may now have affecting the trying of title to office. [1909 c. 488 s. 2; 1911 c. 328; 1911 c. 664 s. 47]

Return to secretary of state. SECTION 87. 1. The county clerk shall, within seventeen days after any general election, transmit to the secretary of state certified copy of each statement of the county board of canvassers of the votes given for electors of president and vice president, state officers, senators and representatives in congress, state senator and member of assembly, where the senate and assembly district embraces more than one county. The names of persons not regularly nominated receiving a comparatively small number of votes may be omitted from the returns of the county clerk and their votes returned as scattering votes.

Additional return. 2. He shall also transmit by mail to the secretary of state, within seventeen days after any general election, a list of the names of persons elected in the county as members of senate and assembly and county officers at such election. [R. S. 1849 c. 6 s. 56-58; R. S. 1858 c. 7 s. 63-65; R. S. 1878 s. 52; Ann. Stats. 1889 s. 52; 1893 c. 288 s. 82; Stats. 1898 s. 87; 1909 c. 488; 1913 c. 459, 634]

Returns. SECTION 87m. The county clerk shall furnish to the secretary of state, on blanks furnished by the secretary of state for that purpose, the names and party designations of all candidates for nomination at the primary, and the votes received by each by voting precincts and the names and party designation of all candidates for office at the general election as well as those candidates for office at the spring election, which appear upon ballots furnished by the county or state, such returns to be made to the industrial commission within thirty days after such primary or election. He shall also furnish any other information called for by said industrial commission necessary for the compilation of the blue book or regular report of the industrial commission. [1907 c. 538; 1913 c. 459]

Canvass and return of other votes. SECTION 88. Whenever any constitutional amendment shall have been submitted to the people, or any other question or proposition shall be submitted by the legislature to a vote of the people, the votes for and against such amendment, question or proposition shall be taken, canvassed, certified and recorded, and certified copies of the statement thereof shall be made and transmitted by each county clerk to the secretary of state and industrial commission in the manner the votes for state officers are to be taken, canvassed, certified and recorded and statements thereof are to be certified and transmitted. [R. S. 1858 c. 7 s. 66; R. S. 1878 s. 53; Ann. Stats. 1889 s. 53; 1893 c. 288 s. 83; Stats. 1898 s. 88; 1913 c. 459]

STATE CANVASS.

Board of canvassers; disqualification. SECTION 93. The secretary of state, treasurer and attorney-general shall constitute the board of state canvassers, two of whom shall be a quorum for the transaction of business, and, if one only of said officers attend on the day appointed for a meeting of such board, the clerk of the supreme court, on being notified by the officer so attending, shall attend without delay with such officer and with him shall form the board. When a member of said board is a candidate for an office as to which the votes are to be canvassed by him, the chief justice, upon the request of any opposing candidate, shall designate some other state officer, or a judge of the circuit court, who shall act in his stead at the session of the board at which the votes given for such member are to be canvassed. [R. S. 1849 c. 6 s. 69; R. S. 1858 c. 7 s. 76; 1876 c. 246; R. S. 1878 s. 58; 1880 c. 318; Ann. Stats. 1889 s. 58; 1893 c. 288 s. 88; Stats. 1898 s. 93; 1913 c. 772 s. 25]

State canvass; returns; recording. SECTION 94. 1. Upon receipt of the certified statements from the county clerks of the votes given in the several counties, the secretary of state shall record the results of such election by counties and file and carefully preserve such statements.

Missing, erroneous, returns; messenger. 2. If any county clerk shall fail or neglect to forward any such statement, the secretary of state may require him to do so forthwith, and if not received or obtained within thirty days after an election, the secretary of state may dispatch a special messenger to obtain the same. The per diem and expenses of such messenger shall be paid and the amount thereof collected from the county in the manner provided by section 1016 of the statutes. Whenever it shall appear upon the face of any such statement that an error has been made in reporting or computing the vote of any candidate, the secretary of state may return the same to the county clerk for correction. [*R. S. 1849 c. 6 s. 70, 71; R. S. 1858 c. 7 s. 77, 78; 1864 c. 322; R. S. 1878 s. 59, 60; Ann. Stats. 1889 s. 59, 60; 1893 c. 288 s. 89, 90; Stats. 1898 s. 94; 1909 c. 488*]

Meeting. SECTION 94a. 1. The state board of canvassers shall meet at the office of the secretary of state on or before the first day of December succeeding a general election and within twenty-five days after a special election, for the purpose of canvassing the returns and determining the results of such elections.

Corrected returns. 2. Such board shall examine such certified statements of the county canvassers, and if it shall appear that any material mistake has been made in the computation of votes given for any person, or that the canvassers in any county have omitted to canvass the votes or any thereof cast at any poll therein, the board may dispatch a messenger to the clerk of such county with their requirement in writing to him to certify the facts concerning such mistake, or the reason why such votes were not canvassed; and the clerk to whom any such requirement is delivered shall forthwith make true and full answer thereto, under his hand and the county seal, and deliver the same to such messenger, who shall deliver it with all convenient dispatch to the secretary of state.

Adjournment. 3. The said board may adjourn as may be necessary, not more than ten days in all.

Statement of vote. 4. Upon the certified statements and returns so received the board shall proceed to examine and make a statement of the whole number of votes given at any such election for each elector of president and vice president, in every year in which there is a presidential election; a statement for each of the offices of governor, lieutenant governor, secretary of state, treasurer, attorney-general, or any other state officer, if any there shall be, or United States senator; a statement of the votes given for representative in congress in each congressional district; a statement of the votes given for state senator in each senatorial district embracing more than one county; and a statement of the votes given for member of assembly in each assembly district embracing more than one county.

Contents; scattering votes. 5. Such statements shall show the names of the persons to whom such votes shall have been given for either of the said offices, the whole number of votes given to each and distinguishing the several districts and counties in which they were given. Provided, however, that the names of persons not regularly nominated receiving a comparatively small number of votes may be omitted and their votes designated therein as scattering votes.

Determination. 6. Said board shall certify such statements to be correct and shall thereupon determine what persons have been, by the greatest number of votes, duly elected to such offices, or either of them, and shall attach to each statement a certificate of their determination and deliver the same to the secretary of state.

Constitutional amendments. 7. Whenever a proposed constitutional amendment or other question shall have been submitted to a vote of the people at any such election, the votes cast for or against such amendment or question shall be canvassed, certified and recorded at the time and in the manner hereinbefore provided. Said board shall at the same time prepare and certify a statement of the whole number of votes given for and against such amendment or question, and shall thereupon determine whether or not such amendment or question has been approved, ratified or adopted by a majority of the electors voting thereon.

Record. 8. If it shall appear that such amendment or question has been approved, ratified or adopted, the secretary of state shall make a record thereof and cause such record to be bound in the volume containing the original enrolled laws passed at the next succeeding session of the legislature, and cause such record to be published with the laws thereof. [*R. S. 1849 c. 6 s. 72-74; R. S. 1878 c. 7 s. 79-81; R. S. 1878 s. 61-63; Ann. Stats. 1889 s. 61-63; 1893 c. 288 s. 91-93; Stats. 1898 s. 94a; 1909 c. 488; 1913 c. 459, 631*]

Statements, record and publication; certificate of election. SECTION 94b. Said secretary shall record in his office each certified statement and determination so made by said board, and forthwith make and transmit to each of the persons thereby declared to be elected, a certificate of his election under the lesser seal, and cause a copy of such

certified statements and determinations to be published in a newspaper printed at the seat of government. He shall also prepare a like certificate or certificates, attested by him as secretary of state, and addressed, respectively, to the United States senate and to the house of representatives in that congress for which any person shall have been chosen, of the due election of such person as a United States senator or as a representative of this state in congress, as the case may be, and transmit the same to the respective house at the first meeting thereof; and if any of the persons so chosen at such election shall have been elected to supply a vacancy in the office of such United States senator or representative it shall be mentioned in such certificate. [*R. S. 1849 c. 6 s. 76, 77; R. S. 1858 c. 7 s. 83, 84; R. S. 1878 s. 64, 65; Ann. Stats. 1889 s. 64, 65; 1893 c. 288 s. 94, 95; Stats. 1898 s. 94b; 1913 c. 634*]

Canvass, how made. SECTION 94e. The board of state canvassers, in canvassing to ascertain the result of any election, shall canvass only the regular returns made by the county boards of canvassers, as provided in this chapter, and shall in no case canvass or count any additional or supplemental returns or statements made by any such board or by any other board or person whatever; nor shall the board of state canvassers canvass or count any statement or return of the result of any canvass which shall have been made by any county board of canvassers at any other time than that mentioned in this chapter. [*R. S. 1858 c. 7 s. 113; R. S. 1878 s. 73; Ann. Stats. 1889 s. 73; 1893 c. 288 s. 103; Stats. 1898 s. 94c*]

MISCELLANEOUS PROVISIONS.

Service of process. SECTION 94f. During the day on which any general, special, town or charter election shall be held no civil process shall be served on any elector, entitled to vote at such election, in the precinct in which he is entitled to vote or while going to or returning therefrom. [*R. S. 1849 c. 6 s. 89, 95; R. S. 1858 c. 7 s. 101; R. S. 1878 s. 74; Ann. Stats. 1889 s. 74; 1893 c. 288 s. 104; Stats. 1898 s. 94f*]

Plurality; informalities. SECTION 94g. In all elections for the choice of any officers, unless it is otherwise expressly provided by law, the person having the highest number of votes for any office shall be deemed to have been duly elected to that office, and whenever it shall satisfactorily appear that any person has received a plurality of the legal votes cast at any election for any office, the canvassers shall give to such person a certificate of election, notwithstanding the provisions of law may not have been fully complied with in noticing or conducting the election or canvassing or returning the votes, so that the real will of the plurality may not be defeated by any informality. [*R. S. 1849 c. 6 s. 90-94; R. S. 1858 c. 7 s. 102, 107; R. S. 1878 s. 75; Ann. Stats. 1889 s. 75; 1893 c. 288 s. 105; Stats. 1898 s. 94g*]

Officers' and messengers' compensation. SECTION 94h. A reasonable compensation shall be paid to inspectors and clerks of election, and to ballot clerks, county and district canvassers and messengers employed and performing duties under the provisions of this chapter, to be fixed by the town, village or county board or common council, and paid from the treasury of the town, village, county or city by which employed. The messenger of the canvassing board of a senate or assembly district shall be paid by the county to which he shall be sent. Every messenger sent by the governor, secretary of state or state board of canvassers shall be paid out of the state treasury a reasonable compensation to be fixed by the secretary of state, and charged to the proper appropriation for the state officer or board dispatching such messenger. [*R. S. 1858 c. 7 s. 103-106; 1864 c. 445 s. 12; R. S. 1878 s. 76; Ann. Stats. 1889 s. 76; 1893 c. 288 s. 106; Stats. 1898 s. 94h; 1913 c. 772 s. 108*]

Election and registry blanks. SECTION 94i. The secretary of state shall make out all necessary blanks, returns and statements to carry out the provisions of law for making the canvass, returns and statements of all elections, general, special and judicial, and for making the registers required by law, applications for registry in writing, and affidavits of nonregistered voters and freeholders corroborating the same. Such blanks shall contain the necessary oaths and certificates of the inspectors, clerks of election and canvassers, with proper notes to the same explanatory of their use and referring to the statutes, and cause the same to be distributed to the county clerks of the several counties on or before the first day of August in each year in which any such election shall be held. [*R. S. 1858 c. 7 s. 108, 109; 1864 c. 445 s. 16; 1877 c. 264 s. 16; R. S. 1878 s. 77; 1878 c. 317; Ann. Stats. 1889 s. 77; 1893 c. 288 s. 107; Stats. 1898 s. 94i*]

Distribution of blanks; failure to use. SECTION 94j. Such blanks shall be distributed to the proper town, city or village clerks or inspectors in each county by the county clerks at the time notices for the general elections are served upon them, and may be sent by mail when practicable. Such clerks shall furnish the inspectors of elections

in their respective towns, wards, villages and election districts with such registry blanks at or before the time fixed for the first meeting for registry, and the other blanks before the opening of the polls on the day of election, and such clerks and inspectors shall use such blanks when furnished; but no election or election returns shall be invalidated in consequence of failure to use such blanks. [*R. S. 1858 c. 7 s. 110 112; R. S. 1878 s. 78; Ann. Stats. 1880 s. 78; 1893 c. 288 s. 108; Stats. 1895 s. 91j*]

ELECTIONS FOR THE REMOVAL OF CITY OFFICERS.

Petition. SECTION 94j—1. 1. Any city officer holding an elective office, whether by election or appointment, may be removed at any time after he has actually held office for six months. The procedure to effect such removal shall be as follows: A petition shall be filed with the city clerk demanding the election of a successor to the person sought to be removed. Such petition shall contain a general statement of the grounds upon which the removal is sought, and shall be signed by electors entitled to vote for a successor to the incumbent, equal in number, in cities of the second, third or fourth class to at least one-third and in cities of the first class to at least one-fourth of the entire vote cast in such cities at the last preceding election for all candidates for the office held by the person sought to be removed; but if at the last preceding election any group of candidates were voted for in common to fill two or more offices of the same designation, the number of such signers on any petition for removal of such officers shall be computed upon the entire vote cast for all such candidates, divided by the number of such offices filled at said election. Signatures to such petition may be upon different pieces of paper bearing the same or substantially similar headings.

Signatures; oath. 2. Each signer shall add to his signature his place of residence, giving the street and number, and the date upon which the petition was signed, and one signer of each paper of such petition shall make oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. After the filing of the petition, no name shall be erased or removed therefrom. No signature shall be valid or be counted in considering such petition unless it is signed and filed in conformity with the provisions of this section, and unless the date of signing is less than one month preceding the date of filing the petition.

Certificate of clerk. 3. Within ten days from the date of filing such petition, the clerk shall examine and ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination.

Amendment of petition. 4. If by the clerk's certificate the petition is shown to be insufficient, the particulars of such insufficiency shall be set forth in such certificate, and it may be amended by the addition of signatures or otherwise, within ten days from the date of said certificate.

Fixing date of election. 5. If the petition shall be found to be sufficient, the clerk shall certify and submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the election, not less than forty nor more than fifty days, from the date of the clerk's certificate to the council that a sufficient petition is filed.

Candidates; primaries. 6. The name of the person sought to be removed shall be placed upon the official ballot without nomination, unless he shall request otherwise in writing. Such a request shall constitute a resignation of his office. Any other person qualified for such office may become a candidate in the manner prescribed in section 30 for the nomination of candidates in city elections, provided that such nomination papers shall be filed not less than thirty days before such election. If there is more than one candidate, exclusive of the person sought to be removed, in any election where the person sought to be removed is a candidate, or if there are more than two candidates in any election where the person sought to be removed is not a candidate, a primary shall be held two weeks before such election, except as provided in subsection 5 of section 11—2 of the statutes.

Same. 7. If the person sought to be removed is a candidate as hereinbefore provided, the name of the person receiving the highest number of votes at such primary shall be placed upon the ballot at such special election with the name of the person sought to be removed, but if the person sought to be removed is not a candidate, the two persons receiving the highest number of votes at such primary election shall be deemed nominated.

Conduct of election; effect. 8. The council shall publish notice of and make arrangements for holding such primary and election, and the same shall be conducted and return of the result thereof, shall be made and declared in all respects as in the case

of other municipal elections, and the candidate receiving the highest number of votes shall be declared elected. If the incumbent receives the highest number of votes he shall continue in office. If one other than incumbent receives the highest number of votes at such election, the incumbent shall thereupon be deemed removed from the office.

Qualification of successor. 9. The successor of the officer so removed shall qualify within ten days after receiving notification of election, and shall hold office during the unexpired term of his predecessor, subject to removal, as provided by law.

Other methods of removal preserved. 10. This method of removal shall be in addition to other methods provided by law. [1911 c. 635; 1913 c. 710]

CHAPTER 6.

OF ELECTIONS TO FILL VACANCIES.

When vacancies filled. SECTION 94k. All vacancies in the office of senator or representative in congress, senator or member of assembly or in any state office (except governor and lieutenant governor) may be filled at a general or special election, or by appointment in the cases provided by law when any such vacancy shall occur within four months, and if in a state office or in that of state senator or senator or representative in congress more than twenty days, before the general election; and when occurring earlier than said four months, if it shall not have been supplied by special election, the same shall be filled at the general election next succeeding the happening thereof. When a vacancy shall occur in any such office, except United States senator, representative in congress, senator or member of assembly, within six months next before the end of the term, no election shall be held, but the same shall be filled by appointment or otherwise as provided by law. [R. S. 1819 c. 6 s. 5, 86; R. S. 1858 c. 7 s. 5, 98; R. S. 1878 s. 79; Ann. Stats. 1889 s. 79; 1895 c. 285 s. 110; Stats. 1898 s. 91k; 1913 c. 631]

Notice of election. SECTION 94l. If a vacancy shall exist in the office of state senator, senator or representative in congress or in any state office which by law should be supplied at the ensuing general election, the secretary of state shall, twenty days at least before such election, give notice in writing to the clerk of each county, when the vacancy is in a state office, or in case of such vacancy in a district then to the clerk of each county therein, specifying the cause of such vacancy, the name of the officer in whose office it occurred and the time when his term of office will expire. Upon receipt thereof the county clerk shall thereupon forthwith cause a notice containing the substance of the notice received by him to be transmitted by mail to each town clerk and the clerk of each village in which by law separate general elections are to be held, and to one of the inspectors in each ward in any city and in each election district in his county. Such clerks and inspectors shall cause the same to be posted at least five days before election in the manner prescribed in chapter 5. [R. S. 1819 c. 6 s. 11, 14; R. S. 1858 c. 7 s. 11, 14; R. S. 1878 s. 80; Ann. Stats. 1889 s. 80; 1893 c. 288 s. 111; Stats. 1898 s. 91l; 1913 c. 631]

Special elections. SECTION 94m. Special elections may be held in the following cases: (1) When there shall have been neglect or failure to choose at a general election a senator or representative in congress, senator, member of assembly, or any county officer who by law should have been chosen at such election.

(2) When the right of office of a person elected to either of the offices last aforesaid shall cease before the commencement of the term of office for which he shall have been elected; but no such special election for any county officer shall be held after the next ensuing first Monday of January.

(2a) When there shall have been neglect or failure to choose at a judicial election a superintendent of schools in any district in the state of Wisconsin, who by law should be chosen at such election, or when the right of office of a person elected to said office shall cease before the commencement of the term of office for which he shall have been elected; but no such special election shall be held after the next ensuing first Monday of July.

(3) When a vacancy shall occur in the office of member of assembly before the first day of February, and in the office of a senator before said day in the second year of his term, and too late to have been filled at the previous general election, or when a special session of the legislature shall be called to meet after a vacancy occurring in either.

(4) If a vacancy which by law might have been filled at the next general election thereafter shall not have been filled, a special election therefor shall then be held except in case of county officers.

(5) When in any other case a vacancy not provided for in this section shall exist, the governor, in his discretion, shall direct. [*R. S. 1849 c. 6 s. 4, 11; R. S. 1858 c. 7 s. 4; R. S. 1878 s. 81; Ann. Stats. 1889 s. 81; 1893 c. 288 s. 112; Stats. 1898 s. 91m; 1911 c. 338; 1913 c. 634*]

How ordered. SECTION 94n. 1. All special elections for county officers shall be ordered by the county clerk, except that a special election for county clerk shall be ordered and noticed by the sheriff in the manner required of such clerk in other cases. The officer who orders such an election shall give notice in the manner hereinafter provided. All other special elections shall be ordered by the governor.

2. Every such order shall specify the office to be filled, how the vacancy occurred, the name of the officer, the time when his term of office will expire, the county or district in which and the day on which such election shall be held, which day shall not be less than twenty-five nor more than forty days from the date of such order.

3. When made by the governor, such order shall be filed and recorded in the office of the secretary of state; when made by the county clerk or sheriff, it shall be filed and recorded in the office of the county clerk. [*R. S. 1849 c. 6 s. 14, 15; R. S. 1858 c. 7 s. 14, 15; R. S. 1878 s. 82; Ann. Stats. 1889 s. 82; 1893 c. 288 s. 113; Stats. 1898 s. 94n; 1911 c. 613*]

Notice of special election. SECTION 94o. The secretary of state shall cause a copy of each notice of election issued by him, and of each order made by the governor for a special election, to be published in the official state paper once in each week from the date of such notice or order until the election to which it shall refer; and on receipt of such order shall cause a copy thereof forthwith to be transmitted to the county clerk of the county, or in case of a vacancy in a district embracing more than one county, then to the county clerk of each county any part of which is in such district. The county clerk, on receiving or on countersigning any order for a special election, shall forthwith give notice of such election in the manner provided for giving notices of general elections. Every town, village and ward officer or inspector of election, who shall receive any such notice, shall forthwith give notice thereof in the manner required of him in case of a general election. At the time of making the certificate required by section 33, or at the time of the publication of the notice required by this section, the secretary of state shall transmit to each county clerk a form of notice to be used by him under section 37, and also a form of the ballot to be used by him. [*R. S. 1849 c. 6 s. 15, 16; R. S. 1858 c. 7 s. 13, 15, 16; R. S. 1878 s. 83; Ann. Stats. 1889 s. 83; 1893 c. 288 s. 114; Stats. 1898 s. 94o*]

Election, how held; canvass. SECTION 94p. Special elections shall be held at the place, and conducted by the officers, and the result canvassed in the same manner, and within the same time thereafter certified, in all respects as near as practicable as provided for general elections. No special election shall be held within sixty days next preceding a general election. When a special election as to any officer, whose election is required by law to be at a general election, is held on the same day as an annual town meeting or municipal election, the ballots cast at such special election shall be deposited in a separate box provided for that purpose. This chapter does not relate to the filling of vacancies in judicial offices. [*R. S. 1849 c. 6 s. 6; R. S. 1858 c. 7 s. 6; R. S. 1878 s. 84, 85; Ann. Stats. 1889 s. 84, 85; 1893 c. 288 s. 115; Stats. 1898 s. 91p*]

CHAPTER 7.

OF THE ELECTION OF JUSTICES OF THE SUPREME COURT, CIRCUIT AND COUNTY JUDGES.

Judicial elections, notice of. SECTION 94q. All elections for justices of the supreme court and for circuit and county judges shall be held on the first Tuesday in April. The secretary of state shall give at least twenty days' notice of all judicial elections; and if the election is for a county judge the notice shall be given in the county in which the judge is to be elected; if for a circuit judge in the circuit in which he is to be elected; and if for a justice of the supreme court in the state at large. [*1851 c. 36 s. 1; R. S. 1858 c. 7 s. 92; R. S. 1878 s. 86; Ann. Stats. 1889 s. 86; 1893 c. 288 s. 116; Stats. 1898 s. 91q*]

When held. SECTION 94r. In all cases where the term of office of such justice or judge is about to expire, the election shall be held on the first Tuesday of April next prior to the time of the expiration of such term as fixed by law, and in case no such election is then held, then, except in the case of a county judge, such election shall be

held on the first Tuesday of April next thereafter, or on some subsequent first Tuesday in April after the expiration of such term of office. [1854 c. 36 s. 4; R. S. 1858 c. 7 s. 95; R. S. 1878 s. 87; Ann. Stats. 1889 s. 57; 1893 c. 288 s. 117; Stats. 1898 s. 94r]

Vacancies, when filled. SECTION 94s. 1. In all cases of vacancy in the office of circuit judge or county judge, the election to fill such vacancy shall be held on the first Tuesday of April next after the vacancy happens, in case such vacancy happen forty days or more before such day; but if the vacancy happen within forty days before such first Tuesday, then the election shall be held on the first Tuesday of April of the next ensuing year. In all cases of vacancy in the office of justice of the supreme court, the person appointed to fill such vacancy shall continue to hold his office until an election can be had in some year in which no other justice is elected and until his successor is elected and qualified. Provided, that no election to fill a vacancy for justice of the supreme court, circuit judge or county judge shall be held at the time of holding the regular election for such office.

2. At least twenty days' notice of every election to fill a vacancy in the office of county judge or municipal judge shall be given by the county clerk of the county in which the vacancy has occurred. [1854 c. 36 s. 4; R. S. 1858 c. 7 s. 94; R. S. 1878 s. 88; Ann. Stats. 1889 s. 88; 1893 c. 288 s. 118; Stats. 1898 s. 94s; 1899 c. 7 s. 1; 1905 c. 10 s. 4; 1905 c. 91 s. 1; Supl. 1906 s. 94s; 1907 c. 118; 1911 c. 10]

Judicial elections, how conducted. SECTION 94t. Elections for justices of the supreme court, circuit, county and municipal judges shall be notified, held and conducted and the results canvassed and returned in the same manner as at general elections. The ballots therefor shall be printed, furnished and distributed by the county clerks at the expense of the county as other official ballots are distributed, so prepared as to indicate the candidates or the nominees to be voted for and the respective judicial office for which each is intended as a ballot substantially in the form prescribed in section 38. All votes given for any such officer shall be put in a ballot box, separate from that used for any other election on the same day. The polls of election for such officers shall open and close at the same time that the polls are opened and closed for the election of other officers who are voted for at the same time and place, or if no other officers are then being voted for they shall open and close at the same time at which they would be opened and closed, in the locality in which they are located at any general election. Within a like time as prescribed for the county canvass after a general election, a board of county canvassers shall be convened, who shall canvass the statements received from the several polls in the county and make a statement thereof, and return the same, including the votes for the office of county judge, as at a general election, and they shall determine who is elected to the office of county judge, and the county clerk shall give him a certificate thereof. The board of state canvassers shall be convened on or before the fifteenth day of May, to canvass the statements of votes received for justice of the supreme court or circuit judge in like manner, and shall have the powers and perform the duties in relation thereto, so far as applicable, as prescribed in respect to the canvass for state officers. And all the provisions of law respecting the qualifications of voters, the conduct of elections and the canvass and return of votes at general elections, shall be applicable to elections held under this chapter. [1854 c. 36 s. 9; R. S. 1858 c. 7 s. 96; R. S. 1878 s. 89; Ann. Stats. 1889 s. 89; 1893 c. 288 s. 119; Stats. 1898 s. 94t; 1899 c. 47 s. 1; Supl. 1906 s. 94t; 1907 c. 118]

Judicial elections in second circuit. SECTION 94t—1. Whenever two or more judges of the circuit court are required by law to be elected on the same day in one judicial circuit, the notice of such election shall state the names of the judges whose successors are to be elected and the number of the branch of such court presided over by each. One ballot box shall be used and the official ballot shall contain the names of all candidates for such successions, shall state the number of judges to be elected and the number of candidates for whom each elector may vote, and shall designate each candidacy as "For Circuit Judge (to succeed Branch No. . . .)." Each elector may vote for one candidate for each branch of the court required to be filled, and the person receiving the highest number of votes for circuit judge of either of such branches shall be declared elected. In all other respects said elections shall be governed by the provisions of section 94t so far as applicable. [1899 c. 2 s. 1-3; 1905 c. 5 s. 1-3; Supl. 1906 s. 2423c; 1907 c. 118; 1911 c. 663 s. 124; 1915 c. 592 s. 8]

CHAPTER 8.

OF THE ELECTION OF SENATORS AND REPRESENTATIVES IN CONGRESS, AND ELECTORS OF PRESIDENT AND VICE PRESIDENT.

Representatives, when elected. SECTION 94*w*. A representative in the congress of the United States shall be chosen in each of the congressional districts into which the state is or shall be divided, at the general election in the year one thousand eight hundred and ninety-eight and every two years thereafter. [*R. S. 1849 c. 7 s. 1; R. S. 1858 c. 8 s. 1; R. S. 1878 s. 92; Ann. Stats. 1889 s. 92; Stats. 1898 s. 91*w**]

Election of United States senators. SECTION 94*w*—1. 1. A senator in the congress of the United States shall be chosen at the general election in the year one thousand nine hundred and fourteen and every six years thereafter and also in the year one thousand nine hundred and sixteen and every six years thereafter.

2. The names of all persons nominated for the office of United States senator shall be printed on the ballot provided in subsection 1 of section 38 in substantially the manner and form indicated in the annexed form "A" provided in subdivision (a) of subsection 17 of section 38, so that each elector may designate on such ballot the name of his first choice and also the name of his second choice for the said office of United States senator; and such ballot shall be marked in the manner prescribed in subsection 8 of section 11—12.

3. The rules and procedure of canvassing first and second choice votes cast for the office of United States senator at any general election shall, so far as applicable, be the same as the rules and procedure prescribed in section 11—17. [*1913 c. 634*]

Resignation or death of. SECTION 94*x*. If a senator or a representative in congress shall resign, he shall forthwith transmit a notice of his resignation to the secretary of state; and if a vacancy shall occur by death or otherwise in the office of senator or representative in congress, the county clerk of the county in which such United States senator or representative shall have resided at the time of his election shall, without delay, transmit a notice of such vacancy to the secretary of state. [*R. S. 1849 c. 7 s. 2; R. S. 1858 c. 8 s. 2; R. S. 1878 s. 93; Ann. Stats. 1889 s. 93; Stats. 1898 s. 94*x*; 1913 c. 634*]

ELECTION OF ELECTORS OF PRESIDENT AND VICE PRESIDENT.

When elected. SECTION 94*y*. At the general election next preceding the time fixed for the choice of president and vice president of the United States, there shall be elected, by general ticket, as many electors of president and vice president as this state may be entitled to elect senators and representatives in congress. [*R. S. 1849 c. 7 s. 3; R. S. 1858 c. 8 s. 3; R. S. 1878 s. 94; Ann. Stats. 1889 s. 94; Stats. 1898 s. 94*y**]

When electors to meet; vacancies. SECTION 94*z*. The electors of president and vice president shall convene at the capitol of this state on the second Monday in January next after their election, at the hour of twelve o'clock, noon, of that day, and if there shall be any vacancy in the office of an elector, occasioned by death, refusal to act, neglect to attend or other cause, the electors present shall immediately proceed to fill by ballot, and by plurality of votes, such vacancy in the electoral college; and when all the electors shall appear, or the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the constitution and laws of the United States. [*R. S. 1849 c. 7 s. 4; R. S. 1858 c. 8 s. 4; R. S. 1878 s. 95; 1889 c. 1; Ann. Stats. 1889 s. 95; Stats. 1898 s. 94*z**]

Certificates of election. SECTION 94*aa*. The secretary of state shall prepare three lists of the names of the electors, procure thereto the signature of the governor, affix the great seal of the state to the same, and deliver such certificates thus signed to one of the electors on or before the said second Monday in January. [*R. S. 1849 c. 7 s. 5; R. S. 1858 c. 8 s. 5; R. S. 1878 s. 96; Ann. Stats. 1889 s. 96; Stats. 1898 s. 94*aa**]

CHAPTER 8*m.*

THE CORRUPT PRACTICES ACT.

Definitions. SECTION 94—1. The following words and phrases as used in sections 94—1 to 94—39, inclusive, of the statutes shall be construed as follows:

(1) Any act shall be deemed to have been done for "political purposes" when the act is of a nature, is done with the intent, or is done in such a way, as to influence or tend to influence, directly or indirectly, voting at any election or primary, or on account of any person having voted, or refrained from voting, or being about to vote or refrain from voting at any election or primary.

(2) The term "candidate" shall mean and include every person for whom it is contemplated or desired that votes may be cast at any election or primary, and who either tacitly or expressly consents to be so considered, except candidates for president and vice president of the United States.

(3) The term "disbursement" shall mean and include every act by or through which any money, property, office or position or other thing of value passes or is directly or indirectly conveyed, given, provided, paid, expended, promised, pledged, contributed or lent, and also any money, property, office or position or other thing of value so given, provided, paid, expended, promised, pledged, contributed or lent.

(4) The term "filing officer," when used with reference to any candidate, shall be construed to mean the officer who is authorized by law to issue a certificate of nomination or election to such candidate, if he be successful. If there be no officer authorized to issue such certificate of nomination or election, then such term shall be construed to mean the clerk of the town, city or village in which such candidate resides. [1911 c. 650]

Acceptance of unlawful political disbursement prohibited. SECTION 94—2. 1. No person shall receive or accept any money, property or other thing of value, or any promise or pledge thereof, constituting a disbursement made for political purposes contrary to law.

2. In any prosecution for the violation of this section, it shall be a defense if the accused person shall prove that he had neither knowledge that such disbursement constituted a disbursement made for political purposes contrary to law, nor any reasonable cause to believe that it constituted such disbursement. [1911 c. 650]

Disbursements by candidates, how made. SECTION 94—3. No candidate shall make any disbursement for political purposes except under his personal direction which for every purpose shall be considered his act, through a party committee, or through a personal campaign committee, whose authority to act shall be filed, as provided in section 94—4 of the statutes. [1911 c. 650]

Appointment of personal campaign committee; presumption of authority. SECTION 94—4. Any candidate may select a single personal campaign committee to consist of one or more persons. Before any personal campaign committee shall make any disbursement in behalf of any candidate, or shall incur any obligation, express or implied, to make any disbursement in his behalf, it shall file with the filing officer of such candidate, a written statement, signed by such candidate, setting forth that such personal campaign committee has been appointed and giving the name and address of each member thereof, and the name and address of the secretary thereof. If such campaign committee consists of only one person, such person shall be deemed the secretary thereof. Any candidate may revoke the selection of any member of such personal campaign committee by a revocation in writing which, with proof of personal service on the member whose selection is so revoked, shall be filed with the filing officer of such candidate. Such candidate may fill the vacancy thus created in the manner in which an original appointment is made. In civil actions and proceedings brought under sections 94—1 to 94—39, inclusive, of the statutes, the acts of every member of such personal campaign committee shall be presumed to be with the knowledge and approval of the candidate, until it has been clearly proved that the candidate did not have knowledge of and approve the same, and that, in the exercise of reasonable care and diligence, he could not have had knowledge of and opportunity to disapprove the same. [1911 c. 650]

Disbursements by persons other than candidates. SECTION 94—5. No person or group of persons, other than the candidate or his personal campaign committee or a party committee, shall make any disbursement for political purposes otherwise than through a personal campaign committee or a party committee, except that expenses incurred for rent of hall or other rooms, for hiring speakers, for printing, for postage, for telegraphing or

telephoning, for advertising, for distributing printed matter, for clerical assistance and for hotel and traveling expenses, may be contributed and paid by a person or group of persons residing within the county where such expenses are incurred; and except that a speaker may pay his actual traveling expenses in going to and from meetings addressed by him. [1911 c. 650; *Supl. S. 1912 c. 20*]

Legal disbursements by candidates classified. SECTION 94—6. 1. No candidate shall make any disbursement for political purposes except:

- (1) For his own personal hotel and traveling expenses and for postage, telegraph and telephone expenses.
- (2) For payments which he may make to the state pursuant to law.
- (3) For contributions to his duly registered personal campaign committee.
- (4) For contributions to his party committee.
- (5) For the purposes enumerated in section 94—7 of the statutes, when such candidate has no personal campaign committee, but not otherwise.

2. After the primary, no candidate for election to the United States senate shall make any disbursement in behalf of his candidacy, except contributions to his party committees, for his own actual necessary personal traveling expenses, and for postage, telephone and telegraph expenses, and for payments which he may make to the state pursuant to law. [1911 c. 650]

Legal disbursements by committees classified. SECTION 94—7. No party committee nor personal campaign committee shall make any disbursement except:

- (1) For maintenance of headquarters and for hall rentals, incident to the holding of public meetings.
- (2) For necessary stationery, postage and clerical assistance to be employed for the candidate at his headquarters or at the headquarters of the personal campaign committee, incident to the writing, addressing and mailing of letters and campaign literature.
- (3) For necessary expenses, incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of handbills, posters, lithographs and other campaign literature, and the distribution thereof through the mails or otherwise.
- (4) For campaign advertising in newspapers, periodicals or magazines, as provided in this act.
- (5) For wages and actual necessary personal expenses of public speakers.
- (6) For traveling expenses of members of party committees or personal campaign committees. [1911 c. 650]

Time allowed for presentation and payment of bills for disbursements. SECTION 94—8. Every person who shall have any bill, charge or claim upon or against any personal campaign committee, any party committee or any candidate, for any disbursement made, services rendered, or thing of value furnished, for political purposes, or incurred in any manner in relation to any primary or election, shall render in writing to such committee or candidate such bill, charge or claim within ten days after the day of the election or primary in connection with which such bill, charge or claim was incurred. No candidate and no personal campaign or party committee shall pay any bill, charge or claim so incurred prior to any primary or election, which is not so presented within ten days after such primary or election. [1911 c. 650]

Accounts of receipts and disbursements by candidates or committees; blanks. SECTION 94—9. 1. Every candidate, the secretary of every personal campaign committee and the secretary of every party committee shall within four days ending on the second Saturday occurring after such candidate or committee has first made a disbursement or first incurred any obligation, express or implied, to make a disbursement for political purposes, and thereafter, within the four days ending on the second Saturday of each calendar month, until all disbursements shall have been accounted for, and also within the four days ending on the Saturday preceding any election or primary, file a financial statement verified upon the oath of such candidate or upon the oath of the secretary of such committee, as the case may be, which statement shall cover all transactions not accounted for and reported upon in statements theretofore filed. Each statement after the first shall contain a summary of all preceding statements, and summarize all items theretofore reported under the provisions of each subdivision of subsection 2 of this section in a separate total. Any statement herein required, which shall have heretofore been filed within four days of the time required shall be deemed a compliance with the provisions of law in regard to the filing of such statements. The mailing of such statement within the required time, under registered mail addressed to the proper filing office, shall be sufficient proof of filing such statement.

2. The statement of every candidate and the statement of his personal campaign committee shall be filed with the filing officer of such candidate. The statement of every

state central committee and of every congressional committee shall be filed with the secretary of state. The statement of every party committee for a state senatorial district, or for an assembly district, shall be filed with the filing officer of the candidate for state senator or assemblyman in such district. The statement of every other party committee shall be filed in the office of the county clerk of the county for which or for a subdivision of which it is the party committee.

3. Each such statement shall give in full detail:

(1) Every sum of money and all property, and every other thing of value, over five dollars in amount or value, received by such candidate or committee during such period from any source whatsoever which he uses or has used, or it is at liberty to use for political purposes, together with the name of every person from which each was received, the specific purpose for which each was received, and the date when each was received, together with the total amount received from all sources in any amounts or manner whatsoever.

(2) Every promise or pledge of money, property or other thing of value, over five dollars in amount or value, received by such candidate or committee during such period the proceeds of which he uses or has used, or it is at liberty to use for political purposes, together with the names of the persons by whom each was promised or pledged, the specific purposes for which each was promised or pledged, and the date when each was so promised or pledged, together with the total amount promised or pledged from all sources in any amounts or manner whatsoever.

(3) Every disbursement over five dollars in amount or value made by such candidate or committee for political purposes during such period, together with the name of every person to whom the disbursement is made, the specific purpose for which each was made, and the date when each was made, together with the total amount of disbursements made in any amounts or manner whatsoever.

(4) Every obligation, express or implied, to make any disbursement, over five dollars in amount or value, incurred by such candidate or committee for political purposes during such period, together with the names of the person or persons to or with whom each such obligation has been incurred, the specific purpose for which each was made, and the date when each was incurred, together with the total amount of such obligations made in any amounts or manner whatsoever.

4. Blanks for all statements required by this section shall be prepared by the secretary of state and copies thereof, together with a copy of this act, shall be furnished through the county clerk or otherwise, as the secretary of state may deem expedient, to the secretary of every personal campaign committee and to the secretary of every party committee and to every candidate upon the filing of nomination papers, and to all other persons required by law to file such statements who may apply therefor.

5. Nothing contained in this act shall be construed to affect in any manner the provisions of sections 4543e and 4543e—1 of the statutes. [1911 c. 650; Spl. S. 1912 c. 10]

Candidates neglecting to file accounts to be omitted from ballot. SECTION 94—10. The name of a candidate chosen at a primary or otherwise shall not be certified or printed on the official ballot for the ensuing elections, unless there has been filed by or on behalf of said candidate and by his personal campaign committee, if any, the statements of accounts and expenses relating to nominations required by this act up to the time for such certification. The foregoing shall not prevent the placing of the name of a candidate upon the official ballot if such statement shall be filed at least sixty days before the primary, or within seven days after the latest time otherwise provided by law, accompanied by an order approving such filing, which is hereby authorized to be made by the presiding judge of any court of record of this state, upon his being satisfied of the truth of an affidavit made by the candidate or by a member of his personal or campaign committee, in his behalf and duly authorized by him, setting forth the facts with regard to the omission to file such statement and showing that such omission was not intentional, which affidavit shall accompany such order and both be filed with such statement. On the petition of any elector entitled to vote for or against such candidate such order may be reviewed and set aside in a proceeding as provided in section 94—30 of the statutes. [1911 c. 650; Spl. S. 1912 c. 10]

Accounts of political disbursements by persons other than candidates or committees. SECTION 94—11. 1. Every person other than a candidate or a personal campaign or party committee, who shall within any twelve months, make any disbursements for any political purpose, exceeding in the aggregate fifty dollars in amount and value, shall file within forty-eight hours after making any disbursement, causing the aggregate of such disbursements to reach such amount, a sworn statement thereof with the clerk of the county wherein he resides.

2. Such statement shall give in full detail, with date, every item of money, property or other thing of value constituting any part of such disbursements, the exact means by which and the manner in which each such disbursement is made, and the name and address of every person to whom each was made, and the specific purpose for which each was made. [1911 c. 650]

Solicitation of contributions from candidates or committees for religious, charitable or fraternal organizations prohibited. SECTION 94—12. 1. No person shall demand, solicit, take, invite or receive from any candidate, from any personal campaign committee or member thereof, or from any party committee or member thereof, any payment or contribution or obligation, express or implied, for payment or contribution of money or thing of value for any religious, charitable or fraternal cause or organization, except for personal campaign committees or regular party committees.

2. No such candidate, committee or member thereof, shall make or promise or intimate that he will or may make such payment or contribution in the future.

3. Nothing herein contained shall prohibit the payment of the regular subscription or contribution by any person to an organization of which he is a member, or to which he may have been a regular contributor, prior to his candidacy or membership on such committee, nor the ordinary contributions at a regular church service. [1911 c. 650]

Disbursements for political services on primary or election day prohibited. SECTION 94—13. No person nor personal campaign or party committee shall pay or incur any obligation, express or implied, to pay, any sum of money or thing of value whatever, for services to be performed on the day of any primary or election, in behalf of any candidate, party or measure, to be voted upon at said primary or election; or for any political service performed on such day, or for any loss of time or damage suffered by attendance at the polls at the primary or election, or in registering for voting, or for the expense of transportation of any voter to or from the polls on such day. [1911 c. 650]

Campaign matter in newspapers or periodicals to be labeled; verified declaration of persons interested in newspaper or periodical to be filed; responsibility of persons controlling publication. SECTION 94—14. 1. No publisher of a newspaper or other periodical shall insert, either in the advertising column of such newspaper or periodical or elsewhere therein, any matter paid for or to be paid for which is intended or tends to influence, directly or indirectly, any voting at any election or primary, unless at the head of said matter is printed in pica capital letters the words "Paid Advertisement," and unless there is also a statement at the head of said matter of the amount paid or to be paid therefor, the name and address of the candidate in whose behalf the matter is inserted, and of any other person, if any, authorizing the publication, and the name of the author thereof.

2. Every person occupying any office or position under the constitution or laws of this state, or under any ordinance of any town or municipality herein, or under the constitution or laws of the United States, the annual income of which shall exceed three hundred dollars, and every candidate, every member of any personal campaign or party committee, who shall either in his own name, or in the name of any other person, own any financial interest in, any newspaper or periodical, circulating in part or in whole in Wisconsin, shall, before such newspaper or periodical shall print any matter otherwise than as is provided in subsection 1 hereof, which is intended or tends to influence, directly or indirectly, any voting at any election or primary in this state, file in the office of the county clerk of the county in which he resides a verified declaration, stating definitely the newspaper or periodical in which or over which he has such financial interest or control, and the exact nature and extent of such interest or control. The editor, manager or other person controlling the publication of any such newspaper or article, who shall print or cause to be printed any such matter contrary to the provisions of this act, prior to the filing of such verified declaration from every person required by this subsection to file such declaration, shall be deemed guilty of a violation hereof. [1911 c. 650]

Compensation to newspapers limited. SECTION 94—15. No owner, publisher, editor, reporter, agent or employe of any newspaper or other periodical, shall, directly or indirectly, solicit, receive or accept any payment, promise or compensation, nor shall any person pay or promise to pay, or in any manner compensate any such owner, publisher, editor, reporter, agent or employe, directly or indirectly, for influencing or attempting to influence through any printed matter in such newspaper any voting at any election or primary through any means whatsoever, except through the matter inserted in such newspaper or periodical as "paid advertisement," and so designated as provided by law. [1911 c. 650]

Campaign literature to be labeled as to author and candidate. SECTION 94—16. No person shall publish, issue or circulate or cause to be published, issued or circulated

otherwise than in a newspaper, as provided in subsection 1, of section 94—14, any literature or any publication tending to influence voting at any election or primary, which fails to bear on the face thereof the name and address of the author, the name and address of the candidate in whose behalf the same is published, issued or circulated, and the name and address of any other person causing the same to be published, issued or circulated. [1911 c. 650; 1913 c. 773 s. 10]

False statements prohibited. SECTION 94—17. No person, firm or corporation shall knowingly make or publish, or cause to be made or published, any false statement in relation to any candidate, which statement is intended or tends to affect any voting at any primary or election. [1911 c. 650]

Offers of public or private employment prohibited. SECTION 94—18. No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through any other person, appoint or promise to appoint any person, or secure or promise to secure or aid in securing the appointment, nomination or election of any person to any public or private position or employment, or to any position of honor, trust or emolument. Nothing herein contained, however, shall prevent a candidate from stating publicly his preference for or support of any other candidate for any office to be voted for at the same primary or election; nor prevent a candidate, for any office in which the person elected will be charged with the duty of participating in the election or the nomination of any person as a candidate for any office, from publicly stating or pledging his preference for or support of any person for such office or nomination. [1911 c. 650]

Threats of loss of employment prohibited. SECTION 94—19. No person being an employer or acting for or in behalf of any employer shall give, distribute or cause to be given or distributed to any of his employes, any printed or written matter containing any threat, notice or information, that in case any particular ticket of a political party or organization or candidate shall be elected, or any measure referred to a vote of the people, shall be adopted, work in his place or establishment will cease, in whole or in part, or his place or establishment be closed up, or the salaries or wages of his workmen or employes be reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his workmen or employes. [1911 c. 650]

Candidates may file statement and portrait for primary pamphlet. SECTION 94—20. 1. Any candidate for nomination to any state or legislative office, or for the office of senator or representative in congress, who intends to file nomination papers as provided by law, may by himself or through his personal campaign committee or through any other person authorized by him, not later than the fortieth day preceding the September primary, file with the secretary of state for publication in pamphlet form as hereinafter provided, a typewritten or printed statement, in duplicate, duly signed and verified as hereinafter provided, with or without his portrait cut of suitable size and nature for such pamphlet, giving the reasons why he should be nominated.

2. Any portrait shall occupy not to exceed a quarter of a page. A statement for a candidate for member of the state legislature, when accompanied by a portrait cut shall not exceed four hundred words; when not accompanied by a portrait cut shall not exceed six hundred words. A statement for any other candidate herein provided for when accompanied by a portrait cut shall not exceed one thousand words; when not accompanied by a portrait cut shall not exceed twelve hundred words. Statements submitted to the secretary of state containing a greater number of words than herein provided shall be returned to the candidate with any fee that may have been tendered. [1911 c. 650; Spl. S. 1912 c. 14]

Publication of primary pamphlet. SECTION 94—21. Not later than the thirty-fifth day before the September primary, the secretary of state shall compile, prepare and cause to be printed in pamphlet form for each state senatorial district separately, the statements filed for the candidates to be voted for therein, placing the statement relative to the candidate for governor first, followed in order by those of the candidates for the other state offices, for presidential electors, for United States senator, for member of congress, state senator and assemblyman. [1911 c. 650; Spl. S. 1912 c. 14]

Mailing of primary pamphlet. SECTION 94—22. At least twenty days before the primary, the secretary of state shall forward by mail to each voter in the state, who appears on the list forwarded to him as provided in section 62n of the statutes, as made up from voters voting at the last general election, a copy of the pamphlet provided for herein for such primary. [1911 c. 650; Spl. S. 1912 c. 14]

Statements of candidates, party platforms and other matter for election pamphlet. SECTION 94—23. 1. Not later than the fortieth day before the general election the nominee of any political party or any independent candidate for any state or legislative

office, or for the office of senator or representative in congress may, by himself or through his personal campaign committee or his party committee or through any other person authorized by him, file with the secretary of state for publication as hereinafter provided for, a typewritten or printed statement duly signed and verified as provided herein, with or without his portrait ent. giving the reasons why he should be elected.

2. The state central committee of any political party, entitled by law to have the names of its candidates placed upon the official ballot in a general election, may also file with the secretary of state, on or before the thirty-eighth day before the general election, a typewritten or printed statement containing such matter as it wishes published, duly verified as provided herein, giving the reasons why the principles of said party should prevail, and why its nominees should be elected. Such statement so filed may include duly authenticated copies of all or any portion of the state or national party platforms of such political party. Such state central committee or some one authorized by it may also file with the secretary of state prior to such date, a statement relative to any amendment to the constitution to be voted on by the people at said election, or relative to any law to be submitted to the vote of the people of the state of Wisconsin at such election, which statement shall occupy in the aggregate not to exceed five pages of such pamphlet.

3. The secretary of state shall cause to be printed in such pamphlet to be circulated prior to such general election, as provided herein, a full and accurate copy of every constitutional amendment to be voted upon by the people at such election, and a full and accurate copy of every law to be submitted to the vote of all the electors of the state of Wisconsin at such election.

4. The statement for and the portrait, if any, of each candidate for member of the state legislature shall not occupy to exceed one page as printed in the pamphlet. The statement or the portrait, if any, of each other candidate herein provided for shall not exceed two pages as printed therein.

5. Nothing herein contained shall be construed to prevent any candidate from granting to a party committee the privilege of occupying any space allowed to such candidate in the pamphlets herein provided for.

6. Any person or group of persons other than the candidates or personal campaign or party committees may file with the secretary of state, not later than the forty-fifth day before the general election, statements giving the reason why any constitutional amendments or law submitted to the vote of the electors of the state should be favorably or unfavorably considered by the electors; provided, that with such statement there is filed a sum sufficient to pay three hundred dollars per page as printed in such pamphlet. [1911 c. 650]

Publication of election pamphlet. SECTION 94—24. Not later than the thirty-fifth day before the general election, the secretary of state shall compile, prepare and cause to be published in pamphlet form, for each state senatorial district separately, all resolutions provided for amendments to the constitution, all laws required to be submitted to a vote of the electors of the state, and if the law relative thereto has been complied with, all arguments concerning such amendments and laws, the statements filed by the party committee giving reasons why the principles of said party should prevail and why its nominees should be elected, and the statements filed referring to the candidates to be voted for at such election, placing the statements relative to the candidates for governor first, followed in order by those of the candidates for the other state offices, for presidential electors, for United States senator, for member of congress, for state senator and for assemblyman. [1911 c. 650]

Mailing of election pamphlet. SECTION 94—25. At least ten days before the general election the secretary of state shall forward by mail to every voter in every senatorial district in the state, who appears on the list forwarded to him as provided in section 62*a* of the statutes, a copy of the pamphlet provided for herein for such voter. [1911 c. 650]

Responsibility for statements in pamphlets; style and verification; joint statements; extra copies; publication fees. SECTION 94—26. 1. Nothing in this act shall exempt the authors of any statement or statements provided for by this act from any civil or criminal action, penalty or liability for any false, slanderous or libelous statement offered for printing or contained in the pamphlet hereinafter provided for.

2. Any person or persons procuring, making or presenting any such statement for filing or assisting in so doing shall be deemed the authors and publishers thereof.

3. No statement for publication in the pamphlets provided for in this act shall be published, unless it is verified upon the oath of the person filing it, in a verification which shall in substance declare that every allegation therein purporting to be a statement, relative to any existing fact, is true to the knowledge of the affiant. But no such verification shall be printed in the pamphlet sent to the voters.

4. Any number of candidates may file joint statements to be published in any such pamphlet, but the space occupied by such joint statements shall be paid for at the highest rate chargeable to any of the candidates joining therein.

5. The pages of the pamphlet required by this act shall be six by nine inches in size, and the printed matter therein shall be set in eight point, Roman faced type, single leaded and twenty-five ems pica in width and with proper heads. In the foot margin of every page of the pamphlets for the primary shall be shown the authority for the information therein, as "This information furnished by (name of candidate or committee)." Such pamphlet shall be printed upon twenty-four by thirty-six inch, thirty-five pound, number one print paper, or upon paper substantially equivalent thereto in weight, quality and cost.

6. Extra copies of any such pamphlet shall be furnished to candidates and committees, who before the date of completion of the compilation thereof, deposit with the secretary of state a sufficient sum to cover the cost of the publication of the number desired.

7. In preparing pamphlets for distribution prior to the primary and general election, the secretary of state shall provide copies to the number of twenty per cent more than the number of voters whose addresses he has upon the list provided for by law, and from such number shall forward to any elector applying therefor a copy of the pamphlet applied for.

8. Every sum required to be paid for publication of any matter in any pamphlet, as provided for in this act, shall be deposited with the secretary of state when the matter for publication is presented for filing. [1911 c. 659]

Fees for publications in primary or election pamphlets. SECTION 94—27. 1. Each candidate for nomination or election shall pay for the space which he elects to use in either of the two pamphlets herein provided for at the rate per page as follows:

(1) Each candidate for the office of United States senator in congress, or presidential elector, three hundred dollars for the first page or any fraction thereof, and one hundred fifty dollars for the second page or any fraction thereof. Each candidate for the office of representatives in congress, two hundred dollars for the first page or any fraction thereof, and one hundred dollars for the second page or any fraction thereof.

(2) Each candidate for a state office, three hundred dollars for the first page or any fraction thereof, and one hundred and fifty dollars for the second page or any fraction thereof, except the candidate for lieutenant governor, who shall pay at the rate of one hundred dollars for each page allowed him or any fraction thereof.

(3) Each candidate for member of the state senate, sixty dollars for the page allowed him or any fraction thereof.

(4) Each candidate for member of the assembly, twenty dollars for the page allowed him or any fraction thereof.

2. The state central committee of any political party authorized to file the statements provided for in subsection 2, of section 94—24, of the statutes, shall pay at the rate of three hundred dollars per page for the matter, giving the reasons why the principles of said party should prevail, and why its nominee should be elected, but no charge shall be made for the space occupied by statements filed by such state central committee, or by some one authorized by it relative to any constitutional amendment, or to any law to be voted for by the electors at such election. Nor shall any charge be made for the space occupied by the constitutional amendments or laws to be voted upon at such election. [1911 c. 659]

Campaign expenditures limited; delegation of expenditures. SECTION 94—28. 1. No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any candidate for any office under the constitution or laws of this state, or under the ordinance of any town or municipality of this state in his campaign for nomination or election, which shall be in the aggregate in excess of the amounts herein specified, namely:

(1) For United States senator, seven thousand five hundred dollars.

(2) For representative in congress, two thousand five hundred dollars.

(3) For governor, judge of the supreme court or state superintendent of schools, one thousand dollars.

(4) For other state officers, two thousand dollars.

(5) For state senator, four hundred dollars.

(6) For member of assembly, one hundred fifty dollars.

(7) For presidential elector at large, five hundred dollars, and for presidential elector for any congressional district, one hundred dollars.

(8) For any county, city, village or town officer, for any judge or for any officer not hereinbefore mentioned, who, if nominated and elected, would receive a salary, a sum not exceeding one-third of the salary to which such person would, if elected, be entitled during the first year of his incumbency of such office. If such person when nominated and elected, would not receive a salary, a sum not exceeding one-third of the compensation which his predecessor received during the first year of such predecessor's incumbency. If such officer, when nominated and elected, would not receive a salary and if such officer had no predecessor, and in all cases not specifically provided for, twenty-five dollars and no more.

2. Any candidate may delegate to his personal campaign committee or to any party committee of his party, in writing duly subscribed by him, the expenditure of any portion of the total disbursements which are authorized to be incurred by him or on his behalf, by the provisions of this section, but the total of all disbursements by himself, by his personal campaign committee in his behalf, by all party committees in his behalf, or otherwise made in his behalf, shall not exceed in the aggregate the amounts in this section specified, except as provided in section 94—29 of the statutes. [1911 c. 650; 1913 c. 773 s. 11]

Expenditures by committees limited. SECTION 94—29. 1. No disbursement shall be made and no obligation, express or implied, to make such disbursement, shall be incurred by or on behalf of any party committee, or by or on behalf of any personal campaign committee, exceeding in the aggregate the total amounts theretofore delegated to such committee in writing, duly subscribed as provided in section 94—28 of the statutes.

2. The state central committee of any political party entitled by law to have the names of its candidates placed upon the official ballot in a general election may, however, in addition to the disbursements and obligations to make disbursements provided for in subsection 1 hereof, make further disbursements in connection with any general election, not exceeding in the aggregate the sum of ten thousand dollars.

3. Nothing contained in this act shall be construed to authorize the state central committee of any political party to make disbursements in connection with any general election, in excess in the aggregate of ten thousand dollars, and every disbursement by any such committee in excess of such amount is forbidden. [1911 c. 650; 1913 c. 773 s. 11]

Special proceedings for violations; appointment of counsel. SECTION 94—30. 1. If any elector of the state shall have within his possession information that any provision of sections 94—1 to 94—38, inclusive, of the statutes, has been violated by any candidate for which such elector had the right to vote, or by any personal campaign committee of such candidate, or any member thereof, he may, by verified petition apply to the county judge of the county in which such violation has occurred, to the attorney-general of the state, or to the governor of the state, for leave to bring a special proceeding to investigate and determine whether or not there has been such violation by such candidate or by such committee or member thereof, and for appointment of special counsel to conduct such proceeding in behalf of the state.

2. If it shall appear from such petition or otherwise that such candidate, committee or member thereof has violated any provision of this act, and that sufficient evidence is obtainable to show that there is probable cause to believe that such proceeding may be successfully maintained, then such judge or attorney-general or governor, as the case may be, shall grant leave to bring such proceeding and shall appoint special counsel to conduct such proceeding.

3. If such leave be granted and such counsel appointed such elector may, by a special proceeding brought in the circuit court in the name of the state upon the relation of such elector, investigate and determine whether or not such candidate, committee or member thereof, has violated any provision of this act, but nothing contained in this act shall be considered as in any way limiting the effect, or preventing the operation of remedies now in existence in such cases. [1911 c. 650]

Process; pleadings; trial; evidence; costs. SECTION 94—31. 1. In such proceeding the complaint shall be served with the summons, and shall set forth the name of the person whose election is contested, and the grounds of the contest in detail, and shall not thereafter be amended except by leave of the court. The summons and complaint in the proceeding shall be filed within five days after service thereof.

2. The answer to the complaint shall be served and filed within ten days after the service of the summons and complaint. Any allegation of new matter in the answer shall be deemed controverted by the adverse party without reply, and thereupon said proceeding shall be at issue and stand ready for trial upon five days' notice of trial.

3. All such proceedings shall have precedence over any civil cause of a different nature pending in such court, and the court shall always be deemed open for the trial thereof, in or out of term, and the same shall be tried and determined the same as are civil actions, but the court shall without a jury determine all issues of fact as well as issues of law.

4. If more than one proceeding is pending or the election of more than one person is investigated and contested, the court may, in its discretion, order the proceedings consolidated and heard together and may equitably apportion costs and disbursements.

5. The parties to such proceedings may invoke the provisions of sections 4068 and 4096 of the statutes, but two days' notice of the taking of the deposition of any witness shall be sufficient notice thereof.

6. In all such proceedings either party shall have the right of change of venue, as provided by law in civil actions, but application for such change must be made within five days after service of summons and complaint, and the order for such change shall be made within three days after the making of such application and the papers transmitted forthwith, and any neglect of the moving party to procure such transmission within such time shall be a waiver of his right to such change of venue.

7. If judgment is in favor of the plaintiff the relator may recover his taxable costs and disbursements against the person whose right to the office is contested, but no judgment for costs shall be awarded against the relator, unless it shall appear that such proceeding has been instituted otherwise than in good faith. All costs and disbursements in such cases shall be in the discretion of the court. [1911 c. 650]

Judgment or findings; appeal; forfeiture of office. SECTION 94—32. 1. If the court shall find that the candidate whose right to any office is being investigated, or his personal campaign committee or any member thereof has violated any provision of this act, in the conduct of the campaign for nomination or election, and if such candidate is not one mentioned in subsection 2 hereof, judgment shall be entered declaring void the election of such candidate to the office for which he was a candidate, and ousting and excluding him from such office and declaring the office vacant. The vacancy thus created shall be filled in the manner provided by law, but no person found to have violated any provision of this act shall be eligible to fill any office or to become a candidate for any office, candidates for which have been voted for at the primary or election in connection with which such violation occurred.

2. If such proceeding has been brought to investigate the right of a candidate for member of the state senate or state assembly or for senator or representative in congress, and the court shall find that such candidate or any member of his personal campaign committee has violated any provision of this act, in the conduct of the campaign for nomination or election, the court shall draw its findings to such effect and shall forthwith, without final adjudication, certify his findings to the secretary of state, to be by him transmitted to the presiding officer of the legislative body, as a member of which such person is a candidate.

3. Appeals may be taken from the determination of the court in such proceeding in the same manner as appeals may be taken as provided by law in civil actions, but the party appealing shall in no case be entitled to or obtain a stay of proceedings. No injunction shall issue in any such proceeding suspending or staying any procedure therein or connected therewith, except upon application to the court or the presiding judge thereof, upon notice to all parties and after hearing.

4. No judgment entered as provided for herein shall be any bar to or affect in any way any criminal prosecution of any candidate or other person. [1911 c. 650]

Special counsel in supreme court; compensation. SECTION 94—33. 1. If the judgment of the trial court is appealed from in such proceeding, the county judge, the attorney-general or the governor, who made the appointment of special counsel for the trial court, shall authorize such counsel so appointed, or some other person to appear as special counsel in the supreme court in such matter.

2. The special counsel provided for by this act shall receive a reasonable compensation for his services, not to exceed, however, twenty-five dollars per day for the time actually spent in conducting the proceedings in the trial court or upon appeal, and not to exceed ten dollars per day for the time necessarily expended in preparation therefor. Such compensation shall be audited by the secretary of state, and paid out of the state treasury upon a voucher and upon the certificate of the officer appointing such counsel to the effect that such appointment has been duly made, that the person so appointed has faithfully performed the duties imposed upon him, and that the number of days stated in such voucher have been consumed in conducting such litigation and

in preparation therefor. Such compensation shall be charged to the legal expense appropriation provided in subsection 3 of section 172—7. [1911 c. 650; 1913 c. 772 s. 6]

Privilege of witness limited. SECTION 94—34. No person shall be excused from testifying in such proceeding, or in any proceeding for violation of or growing out of the provisions of this act, on the ground that his testimony may expose him to prosecution for any crime, misdemeanor or forfeiture. But no person shall be prosecuted, or subjected to any penalty or forfeiture, except forfeiture of nomination or of election to office, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, in such proceeding or examination, except a prosecution for perjury committed in giving such testimony. [1911 c. 650]

Notice of failure to file expense account; prosecution. SECTION 94—35. The officer with whom the expense account of any candidate for public office is required by any law of this state to be filed, shall notify such candidate of his failure to comply with such law, immediately upon the expiration of the time fixed by any law of this state for the filing of the same, and shall notify the district attorney of the county where such candidate resides of the fact of his failure to file, and said district attorney shall thereupon prosecute such candidate. [1911 c. 650]

Supplemental judgment of forfeiture of office in criminal action for violations. SECTION 94—36. 1. If any person shall, in a criminal action, be judged to have been guilty of any violation of this act, while a candidate for any office under the constitution or laws of this state, or under any ordinance of any town or municipality therein other than the office of state senator or member of the assembly, the court shall, after entering the adjudication of guilty, enter a supplemental judgment declaring such person to have forfeited the office in the conduct of the campaign for the nomination or election to which he was guilty of such violation, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

2. If any person shall, in a similar action, be found guilty of any violation of this act, committed while he was a member of the personal campaign committee of any candidate for any such office, the court before which such action is tried, shall immediately after entering such adjudication of guilty, enter a supplemental judgment declaring such candidate to have forfeited the office in the conduct of the campaign for nomination, or election, to which such member of his personal campaign committee was guilty of such violation, and shall transmit to the filing officer of such candidate a transcript of such supplemental judgment, and thereupon such office shall be deemed vacant and shall be filled as provided by law.

3. If any person shall, in a criminal action, be adjudicated guilty of any violation of this act, committed while he was a candidate for the office of state senator, member of the assembly, United States senator or representative in congress, or while he was a member of the personal campaign committee of any such candidate, the court, after entering such adjudication of guilty, shall forthwith transmit to the presiding officer of the legislative body as a member of which such officer was a candidate when such violation occurred, a certificate setting forth such adjudication of guilty.

4. Any court having jurisdiction to enter judgment of guilty in any such criminal action is hereby vested with jurisdiction to enter such supplemental judgment, transmit a transcript thereof and issue a certificate as provided in this section. [1911 c. 650]

Candidates may employ counsel and pay costs. SECTION 94—37. Nothing contained in this act shall prevent any candidate from employing counsel to represent him in any action or proceeding, affecting his rights as a candidate, nor from paying all costs and disbursements necessarily incident thereto. No sum so paid or incurred shall be deemed a part of the campaign expenses of any such candidate. [1911 c. 650]

Penalty for violations. SECTION 94—38. Any person violating any provision of sections 94—1 to 94—38, inclusive, of the statutes, shall upon conviction thereof, be punished by imprisonment in the county jail for a period of not less than one month nor more than one year, or by imprisonment in the state prison for a period of not less than one year nor more than three years, or by a fine of not less than twenty-five dollars nor more than one thousand dollars, or by both such fine and imprisonment; and no person so convicted shall be permitted to take or hold the office to which he was elected, if any, or receive the emoluments thereof. [1911 c. 650]

OF THE STATE OFFICERS.

Election and term. SECTION 128. The state officers named in the constitution, excepting the state superintendent, shall be chosen at the general election in the year 1912 and biennially thereafter; and the regular term of office of said state officers when elected for a full term shall commence on the first Monday in January next succeeding their election. [*R. S. 1849 c. 6 s. 85, 87; R. S. 1858 c. 7 s. 97, 99; 1869 c. 65; R. S. 1878 c. 125; 1881 c. 100 s. 1; Ann. Stats. 1889 s. 125, 1792a; Stats. 1898 s. 125; 1903 c. 37 s. 1*]

THE STATE SUPERINTENDENT.

Qualifications; oath of office. SECTION 164. No person shall be eligible to the office of state superintendent of public instruction, who shall not, at the time of his election thereto, have taught or supervised teaching in the state of Wisconsin, for a period not less than five years, and who shall not, at such time, hold the highest grade of certificate which the state superintendent is by law empowered to issue. He shall, within twenty days after he receives notice of his election, and before entering upon the duties of his office, take and subscribe the constitutional oath of office, which shall be filed in the office of the secretary of state. [*R. S. 1849 c. 9 s. 44, 45; R. S. 1858 c. 10 s. 59, 60; R. S. 1878 s. 164; Ann. Stats. 1889 s. 164; Stats. 1898 s. 164; 1903 c. 37 s. 1; Supl. 1906 s. 164; 1907 c. 118*]

Women may vote. SECTION 425a. 1. Every woman who is a citizen of this state, of the age of twenty-one years or upwards (except paupers, persons under guardianship, and persons otherwise excluded by section two, of article three, of the constitution of Wisconsin), who has resided within the state one year, and in the election district where she offers to vote, ten days next preceding any election pertaining to school matters, shall have a right to vote at such election.

2. Separate ballot boxes shall be furnished at every election precinct in this state at every primary, general, municipal or special election for the use of women desiring to vote on said school matters, and separate ballots shall also be provided at said elections for the use of said women, except in such cities, towns and villages where voting machines are used with a device enabling the election officials to mechanically and automatically restrict women voters to those candidates and questions only on which they are by law permitted to vote. [*1885 c. 211 s. 1; Ann. Stats. 1889 s. 423a; 1897 c. 354; Stats. 1898 s. 423a; 1899 c. 233 s. 2; 1901 c. 285 s. 1; Supl. 1906 s. 423a; 1907 c. 118; 1911 c. 181*]

Eligibility. SECTION 461cc. A person shall not be ineligible to the office of county superintendent of schools on account of residence in cities of the third and fourth class within the territorial limits of any such district. [*1905 c. 46 s. 1; Supl. 1906 s. 461c; 1907 c. 118*]

Women may be officers. SECTION 513. Women of the age of twenty-one or more years who reside and for one year next prior to their election or appointment have resided in any school district, town, city, or county, are eligible by election or appointment to the offices of director, treasurer and clerk of such district, director and secretary of the town school board, of such town if under the township system, member of the school board or board of education of such city, town inspector of schools of such town and county superintendent of such county. [*1875 c. 120; R. S. 1878 s. 513; Ann. Stats. 1889 s. 513; 1897 c. 354; Stats. 1898 s. 513; 1911 c. 536; 1911 c. 664 s. 113*]

OF THE COUNTY BOARD.

Representation of villages and cities; excepting counties of two hundred and fifty thousand. SECTION 662. Every ward or part thereof of any city, every incorporated village or part of such village shall be represented in the county board of supervisors of the county in which such ward or part thereof, or city or village or part thereof is situated, by one supervisor, except in counties having a population of at least two hundred and fifty thousand; all such supervisors shall be elected annually by the electors of such wards, or parts of wards, villages or parts of villages, respectively, at the same time and in the same manner as city and village officers are elected. And when any vacancy shall occur in the office of such supervisor the proper common council or board of trustees shall fill such vacancy by appointment. The holding of the office of such supervisor by any person shall not disqualify him from being a member of the common council of the city or board of trustees of the village in which he is elected or appointed. [*1870 c. 85 s. 1, 2; 1871 c. 78 s. 1; R. S. 1878 s. 662; Ann. Stats. 1889 s. 662; 1895 c. 204 s. 1; Stats. 1898 s. 662; 1907 c. 125*]

Supervisors in Milwaukee county. SECTION 662a. In all counties within this state which have a population of not less than one hundred thousand, the supervisors elected shall hold their office for the term of two years. [1899 c. 54 s. 2; Supl. 1906 s. 662a; 1907 c. 118]

Composition of board; excepting counties of two hundred and fifty thousand. SECTION 663. The county board of supervisors, except in counties having a population of at least two hundred and fifty thousand, shall consist of the chairman of the several towns and the supervisor of each ward and part of ward of every city, and of each incorporated village or part thereof; but if from sickness or other cause the chairman of any town board shall be unable to attend any meeting of the county board either of the other members of such town board, to be designated by themselves (and if they shall disagree they shall decide the same by lot), shall attend such meeting and act as a member of such county board; but such member of a town board shall not be permitted to act as a member of the county board until the town clerk of such town shall certify to the county clerk the name of the supervisor so designated to represent said town. When the county shall consist of one town the supervisors of such town shall constitute the county board of such county. No county officer or deputy of any such offices shall be eligible to the office of supervisor, except as is provided in section 665. [R. S. 1858 c. 13 s. 25, 63; 1869 c. 61 s. 1; 1870 c. 84; 1870 c. 85 s. 1; 1871 c. 78 s. 3; R. S. 1878 s. 663; 1883 c. 111; Ann. Stats. 1889 s. 663; Stats. 1898 s. 663; 1907 c. 398]

Composition of board in counties having a population of two hundred and fifty thousand. SECTION 663a. 1. The county board of supervisors in all counties having a population of at least two hundred and fifty thousand, according to the last state or United States census, shall be composed of supervisors chosen from each assembly district within said county. Each assembly district of said county shall be entitled to one supervisor who shall be elected by the electors of said assembly district. At the election to be held on the first Tuesday in April, 1914, one supervisor from each assembly district shall be elected by the electors of such assembly district, at said election; those elected in the odd-numbered assembly districts shall be elected for a term of two years and those in the even-numbered districts for a term of four years. Thereafter, beginning with the election to be held upon the first Tuesday in April, 1916, all supervisors shall be elected for terms of four years at the election to be held on the first Tuesday in April just preceding the expiration of their respective terms. In case of a vacancy in the office of supervisor, by death, resignation, or otherwise, the chairman of the board shall have the power and authority to appoint from among the electors of the assembly district for which said vacancy occurs, a fit and proper person to fill such vacancy until the next general election at which supervisors are chosen, which appointment shall be approved by a majority of the board.

2. Said supervisors shall perform all the duties now prescribed by law, and each member thereof shall be paid out of the county treasury the sum of eight hundred dollars per annum. [1907 c. 398; 1911 c. 220; 1913 c. 574]

OF COUNTY OFFICERS.

GENERAL PROVISIONS.

County officers; election; terms; county superintendent. SECTION 698. At the general election in the year one thousand nine hundred and four, and biennially thereafter, there shall be elected in each county for a regular term, the following county officers, viz.: A county clerk, treasurer, sheriff, coroner, clerk of circuit court, district attorney, register of deeds, and surveyor. The regular term of office of all such officers shall commence on the first Monday of January next succeeding their election and continue two years; but each such officer, including those now in office, shall hold his office until his successor is qualified.

A superintendent of schools shall be chosen by the qualified electors of each superintendent district in the state of Wisconsin, at the election to be held on the first Tuesday in April in the year one thousand nine hundred and five, and biennially thereafter, and said officer shall hold his office for the term of two years from the succeeding first Monday of July.

The superintendent of each superintendent district shall hold his office until his successor is elected or appointed and qualified. In all cases where the superintendent district comprises the entire county the county board of supervisors of every county at the annual meeting next preceding the election of such county school superintendent shall fix the amount of the annual salary which shall be received by the superintendent of schools and shall allow such actual and necessary traveling expenses incurred in the proper dis-

charge of his duties, within and without the county, as may be reasonable and just, the same to be audited, allowed and paid in the same manner as other claims against the county are audited, allowed and paid. Provided, that if the supervisors fail or neglect to vote upon and fix the salary of the superintendent as above the salary last fixed shall continue to be the salary paid.

In all cases where the county is divided into two superintendent districts, only those members of the county board of supervisors residing within the superintendent district—supervisors from cities under city superintendents to be excluded—shall have and exercise the power and authority granted above to the county board of supervisors in cases where the superintendent district comprises the entire county.

In order to exercise such power and authority the supervisors from each superintendent district shall meet and organize after the manner of organization provided for county boards of supervisors so far as necessary in order to transact the business before them, and when so organized, the supervisors from one superintendent district shall act independently and free from any interference, voice, direction, or control from the supervisors of the other district.

All supervisors from cities included in any part of the county or superintendent district or districts, the schools of which are under the direction and control of a city superintendent elected under the provisions of sections 926—115, 926—116, 926—117 are excluded from any participation in the deliberations of the supervisors of any superintendent district had with reference to the manner of directing the administration of its school affairs.

In all cases where there are two superintendent districts in a county, the county treasurer and county clerk shall keep all accounts and all records of other matters pertaining to the maintenance, control, and direction of school affairs in one superintendent district free from the matters pertaining to the control, maintenance, and direction of the school affairs of the other. [*R. S. 1849 c. 10 s. 155, 111; R. S. 1858 c. 7 s. 97, 99; R. S. 1858 c. 13 s. 160; 1862 c. 65 s. 1; 1863 c. 155 s. 86; 1874 c. 342; R. S. 1878 s. 698; 1879 c. 205; 1880 c. 87; Ann. Stats. 1889 s. 698; Stats. 1895 s. 695; 1903 c. 307 s. 1; Supl. 1906 c. 115; 1907 c. 118; 1909 c. 453; 1911 c. 663 s. 67*]

COUNTY SUPERINTENDENT OF SCHOOLS.

Eligibility. SECTION 702a. No person shall be eligible to the office of county superintendent of schools who shall not, at the time of his election or appointment thereto, have taught in a public school in this state for a period of not less than eight months, and who shall not, at such time, hold a certificate entitling him to teach in any public school therein, or a county superintendent's certificate, issued by the state superintendent after examination by and upon the recommendation of the board of examiners for state certificates as provided by law; provided, that the foregoing provision shall not disqualify any person who held such office in this state on or before the first day of May, one thousand eight hundred and ninety-five. [*1895 c. 333 s. 1, 7; Stats. 1895 s. 702a; 1899 c. 351 s. 14; Supl. 1906 s. 702a; 1907 c. 115*]

COUNTY BOARD OF EDUCATION.

Creation of board. SECTION 702—1. There is hereby created a board of education for each county in the state of Wisconsin, to be known as the "County Board of Education," consisting of five members to be chosen as hereinafter provided. [*1913 c. 751*]

Districts. SECTION 702—2. The county board of education district shall include the entire county, excepting only such portion thereof as is included within any city having a board of education, a superintendent of schools, or other board or officer vested with power to examine and license teachers and supervise and manage the schools therein, and in counties now having more than one superintendent district each such district shall constitute a county board of education district. The electors of such city shall have no vote in electing the county board of education, and the county supervisors from such city shall have no voice in any matter relating to said board or the members thereof, nor shall any tax be levied in such city to pay any part of the expense, compensation or allowances of such board, the members thereof or the county superintendent or assistant county superintendent or the clerk for the superintendent, or examiners for common school diplomas. [*1913 c. 751*]

Eligibility of board members. SECTION 702—3. Any person resident within the county board of education district, qualified to vote at elections pertaining to school matters, shall be eligible to membership on said board. [*1913 c. 751*]

Election of board. SECTION 702—4. At the regular spring election to be held on the first Tuesday of April, 1914, there shall be elected in each county board of education district five members of such county board of education. At the first meeting after the said election the members of such board shall cast lots to determine who shall serve for a term of one year, who for a term of two years, who for a term of three years, who for a term of four years, and who for a term of five years, respectively. Except as to those members whose first term shall be fixed by lot, as aforesaid, at one, two, three, four and five years, the terms of office of each member of such board shall be five years and until his successor is elected and qualified, and one member shall be elected each year following the year 1914. [1913 c. 751]

Electors. SECTION 702—5. Every person residing within the county board of education district qualified to vote at elections pertaining to school matters shall be qualified electors at elections for members of the county board of education. [1913 c. 751]

Nominations. SECTION 702—6. The candidates to be voted for as members of the county board of education shall be nominated as provided in section 30 of the statutes, and such election shall be noticed and held and returns thereof made in the manner now provided by law for the election of county judicial officers. [1913 c. 751]

Vacancies. SECTION 702—7. Vacancies occurring in the county board of education shall be filled by the board. The members so elected to fill such vacancies shall serve until the next regular election, at which time the vacancies shall be filled for the unexpired term in the same manner as is provided herein for the election of the members of such board for the full term. [1913 c. 751]

Organizations; officers. SECTION 702—8. On the first Tuesday in May, after the election in April, 1914, and annually thereafter, such board shall meet at the county seat and organize by electing one of the members as president. Said president shall serve for one year and until his successor shall be chosen and shall have qualified. A majority of the board shall constitute a quorum. The clerk for the county superintendent whose appointment is hereinafter provided shall be ex officio secretary of the board, but in case no such clerk is serving then the county board of education shall elect one of its members secretary. [1913 c. 751]

Meetings; compensation. SECTION 702—9. The regular meetings of the county board of education shall be held on the first Tuesday in May and on the last Friday in October of each year. Special meetings shall be called by the secretary upon the order of the president or upon the order of any two other members of the board by giving at least six days' written notice by mail of the time and place of such meeting to each member of the board and to the county superintendent of schools. All meetings shall be held at the county seat, except that by the unanimous consent of all the members of the board meetings may be held elsewhere in the county. All members of the county board of education shall be allowed and paid the per diem and mileage as provided in section 695 of the statutes for members of the county board of supervisors; but no member of said board shall receive compensation for his services as member of such board for more than fifteen days in any one year, provided the limitation of the number of days for which the members of the county board of education may receive compensation shall not include the number of days necessarily spent in performing the duties as outlined in subdivision (3) of section 702—10. [1913 c. 751]

TOWN MEETINGS.

When held. SECTION 782. There shall be an annual town meeting in each town on the first Tuesday of April. At such meeting there shall be an election of such officers as are required by law to be elected, and such other business shall be done as is by law required or permitted to be done at such meeting; and no notice of holding any annual town meeting need be given. [R. S. 1819 c. 12 s. 6, 20; R. S. 1858 c. 15 s. 6; R. S. 1858 c. 15 s. 20; 1859 c. 7; R. S. 1878 s. 782; Ann. Stats. 1889 s. 782; Stats. 1898 s. 782.]

Where held; change of place. SECTION 783. The annual town meetings in each town shall be held at the place where the last town meeting was held, or at such other place therein or in a city or incorporated village within or adjoining the town as shall have been ordered at a previous meeting, or when there has been no such previous meeting at such place as shall be directed in the act or proceedings by which the town was organized. When twelve electors shall file with the town clerk at least four and not more than six weeks before any annual town meeting their written request that the place of holding such meeting be decided by ballot, he shall within one week after the filing of such request post notices in at least four public places in said town stating that the place of holding the annual town meeting will be decided by ballot at the town meeting then next to be held. Each elector may vote a ballot designating thereon a building or public hall where said

town or such city or village, which ballots at the close of the polls shall be canvassed and the result certified and recorded. The place receiving the largest number of ballots shall be established as the place of holding the annual town meeting thereafter until otherwise ordered. In towns which are divided into election districts the annual meeting shall be held, until the electors otherwise determine, in the district designated as the first election district; provided, that in counties having a population of two hundred thousand inhabitants or over, according to the last census, votes for town and judicial officers shall be cast at the polling booths in the election district where the voter resides in the manner provided for general elections. The meeting of any town board of supervisors for auditing accounts, equalizing taxes, and other legal meetings of said board, may be held at and in any incorporated village or city in this state, which is within or adjoining the town of which said supervisors constitute the town board. [R. S. 1849 c. 12 s. 8; R. S. 1858 c. 15 s. 8; 1876 c. 1-1; R. S. 1878 s. 783; 1883 c. 162; Ann. Stats. 1889 s. 783, 783a; 1897 c. 372 s. 1; 1899 c. 338 s. 5; Stats. 1898 s. 783; 1899 c. 86 s. 1; Supl. 1906 s. 783; 1907 c. 118]

Changing place of town meeting; power of board; notice of election. SECTION 783a. The town board of any town may, by resolution, provide that the question of changing the place for holding town meetings in any such town, be submitted to a vote of the electors at any regular town meeting held in the town, and if at any such town meeting a majority of the electors shall vote in favor of changing the place for holding any such election, then all elections and town meetings thereafter held in any such town, shall be held at the place so designated. The town board shall designate by resolution, the place to which the change is to be made, and shall describe such place with reasonable accuracy, which designation and description shall be embodied in the notice to be given by the clerk as hereinafter provided. The town clerk shall at least ten days before the holding of any such election, at which the question of changing the place for holding elections is to be voted upon pursuant to any resolution of the town board, cause notice of that fact to be given to the electors of the town by posting up notices in three public places in the town, which notices shall state that the question of changing the place of holding elections and town meetings is to be voted upon at the town meeting, stating when and where such election or meeting is to be held, and also the place to which the same is to be changed, which place shall be described with reasonable accuracy. [1899 c. 338 s. 1; Supl. 1906 s. 783a; 1907 c. 118]

Ballots; voting; canvass; separate box. SECTION 783b. The town board shall procure, at the expense of the town, a suitable number of ballots which shall be printed in the following form:

For changing the place of holding elections

Against changing the place for holding elections

If the voter desires to vote for the proposition, he will do so by putting a cross in the appropriate square to the right of the words: "For changing the place of holding elections," and if he desires to vote against it, may do so by putting a cross in the square to the right of the words "Against changing the place for holding elections." Such ballots shall be delivered to the clerk, time enough for use at any such election, and shall be kept in some convenient and conspicuous place in the building where the election is held, for the use of electors. The votes so cast upon any such proposition shall be canvassed and returned in the same manner that votes for candidates are canvassed and returned, and if a majority of the votes so cast shall be in favor of changing the place of holding elections, then all general elections, town meetings and judicial elections thereafter held, shall be held at the place designated in the resolution adopted by the town board, and approved by the electors of the town as herein provided. The town board shall provide a separate ballot box for the ballots cast upon any such proposition. [1899 c. 338 s. 2; Supl. 1906 s. 783b; 1907 c. 118]

Adjournment from place to place. SECTION 784. Whenever it shall become impossible or inconvenient to hold a town meeting at the place designated therefor the town board of inspectors or a majority of them, after having assembled at or as near as practicable to such place and opened the meeting, and before receiving any votes, may adjourn such meeting to the nearest convenient place for holding the same, and at such adjourned place forthwith proceed with the meeting. Upon such adjournment the board of inspectors shall cause proclamation thereof to be made and shall station a constable or some other proper person at the place where such meeting was opened to notify all electors arriving at such place that the meeting has been adjourned and the place to which it has

been adjourned. [*R. S. 1849 c. 12 s. 9, 10; R. S. 1858 c. 15 s. 9, 10; R. S. 1878 s. 784; Ann. Stats. 1889 s. 784; Stats. 1898 s. 784*]

Adjournment from time to time. SECTION 785. Any annual or special town meeting may be adjourned to any other day and from time to time for the purpose of transacting any business of the town except for the election of town officers. [*R. S. 1849 c. 12 s. 11; R. S. 1858 c. 15 s. 11; R. S. 1878 s. 785; Ann. Stats. 1889 s. 785; Stats. 1898 s. 785*]

First meeting in new town. SECTION 786. The first town meeting in any newly-organized town shall be held on the day of the annual town meeting next after its organization; but if the inhabitants of any such town shall fail to hold their first town meeting on the day of the annual town meeting any three qualified voters of such town may call a town meeting for such town at any time thereafter by posting up notices thereof at not less than three public places therein at least ten days previous to the holding of such meeting. [*R. S. 1849 c. 12 s. 12; R. S. 1858 c. 15 s. 12; R. S. 1878 c. 15 s. 14; 1859 c. 7; R. S. 1878 s. 786; Ann. Stats. 1889 s. 786; Stats. 1898 s. 786*]

Proceedings. SECTION 787. The qualified electors present at such first town meeting between the hours of nine and ten o'clock in the forenoon shall choose one of their number as chairman, two others as inspectors and one as clerk, who shall severally take and subscribe the oath required of inspectors and clerks of general elections; such oath may be administered by the chairman chosen to the other inspectors and clerk, and either of the other inspectors may thereafter administer the oath to the chairman. They shall thereupon conduct the proceedings of such meeting; and the electors shall possess the same powers as at other annual town meetings. [*R. S. 1849 c. 12 s. 13, 15; R. S. 1858 c. 15 s. 13, 15; R. S. 1878 s. 787; Ann. Stats. 1889 s. 787; Stats. 1898 s. 787*]

Special meeting. SECTION 788. Special town meetings may be held for the purpose of choosing town officers to fill vacancies that may occur and for the purpose of transacting any other lawful business which might be done at the annual meeting, on a request being made to the town clerk in writing signed by twelve qualified voters of such town specifying in such request the purposes for which such meeting is to be held. No matter voted upon or decided at any such special town meeting shall be acted upon in any subsequent special town meeting held in such town prior to the time for holding the next annual town meeting. [*R. S. 1849 c. 12 s. 16; R. S. 1858 c. 15 s. 16; R. S. 1878 s. 788; Ann. Stats. 1889 s. 788; 1897 c. 250; Stats. 1898 s. 788*]

Record of request and notice of meeting. SECTION 789. The town clerk with whom any such request shall be left shall record the same and immediately cause notices to be posted up in three of the most public places in the town, giving at least three weeks, and not more than four weeks' notice of such meeting. Such notices shall specify particularly the purposes for which such meeting is to be held, and if vacancies in office are to be filled, in what office they exist, how they occurred and who were the last incumbents; and if it be in the office of justice of the peace, at what time the legal term of office will expire; and if there be a newspaper printed in such town he shall publish a copy of such notice therein at least five days before the time appointed for such meeting. [*R. S. 1849 c. 12 s. 17, 18; R. S. 1858 c. 15 s. 17, 18; R. S. 1878 s. 789; Ann. Stats. 1889 s. 789; Stats. 1898 s. 789; 1903 c. 309 s. 1; Supl. 1906 s. 789; 1907 c. 118*]

Who to preside. SECTION 790. The chairman of the town shall be chairman of the town meetings when present, but if absent one of the other supervisors of the town shall serve as chairman; but if no one of the supervisors be present the qualified electors at such meeting may choose a chairman. [*R. S. 1849 c. 12 s. 21; R. S. 1858 c. 15 s. 21; R. S. 1878 s. 790; Ann. Stats. 1889 s. 790; Stats. 1898 s. 790*]

Inspectors of election. SECTION 791. The supervisors of each town shall be the board of inspectors of election at the town meetings thereof; but if there be any vacancy in said board or any supervisor be absent the electors may choose from the qualified electors of the town inspectors to fill their places, who shall be authorized to act as inspectors of such election. [*R. S. 1849 c. 12 s. 22; R. S. 1858 c. 15 s. 22; R. S. 1878 s. 791; Ann. Stats. 1889 s. 791; Stats. 1898 s. 791*]

Chairman's powers. SECTION 792. The chairman of each town meeting shall regulate its proceedings, decide all questions of order and make public declaration of all votes passed; he shall possess authority to enforce obedience to his lawful requirements; and if any person at such meeting shall conduct himself in a disorderly manner, and after notice from the chairman shall persist therein, the chairman may order him to withdraw from the meeting, and on his refusal may order any constable or other person to take him into custody until the meeting shall be adjourned. He shall have the same authority to preserve order and enforce obedience as is possessed by the board of inspectors at a general election. [*R. S. 1849 c. 12 s. 30, 31; R. S. 1858 c. 15 s. 35, 36; R. S. 1878 s. 792; Ann. Stats. 1889 s. 792; Stats. 1898 s. 792*]

Clerk of meeting. SECTION 793. The town clerk shall be clerk of such town meetings and keep faithful minutes of the proceedings and a correct poll list containing the names of all persons voting thereat; but if he be absent then such person as shall be appointed by the inspectors shall act as clerk of such meetings. The minutes of the town meeting shall be subscribed by the clerk and filed in the office of the town clerk within five days after such meeting. [*R. S. 1849 c. 12 s. 19, 23; R. S. 1855 c. 15 s. 19, 23; R. S. 1878 s. 793; Ann. Stats. 1889 s. 793; Stats. 1898 s. 793*]

Oaths. SECTION 794. Every person chosen at any town meeting to act as inspector or appointed to act as clerk shall, before entering upon the duties of his office, take and subscribe the oath required of inspectors and clerks of general elections. [*R. S. 1849 c. 12 s. 21; R. S. 1858 c. 15 s. 24; R. S. 1878 s. 794; Ann. Stats. 1889 s. 794; Stats. 1898 s. 794*]

Order of business. SECTION 795. At the opening of every town meeting the chairman thereof shall state the business to be transacted and the order in which such business will be entertained; and no proposition to vote a tax, except for the relief of the poor and for defraying the necessary town charges, shall be acted upon out of the order of business as stated by the chairman, and no reconsideration of any vote shall be had at any town meeting unless it be taken by a majority vote within one hour from the time such vote shall have been passed, or, if taken later than one hour, unless it be sustained by a number of votes equal to a majority of all the names entered on the poll list at such election up to the time the motion therefor shall be made. All other questions upon motions at a town meeting shall be determined by a majority of the electors voting. [*R. S. 1849 c. 12 s. 25, 32; R. S. 1858 c. 15 s. 25, 37; R. S. 1878 s. 795; Ann. Stats. 1889 s. 795; Stats. 1898 s. 795; 1911 c. 298*]

Opening and closing of polls. SECTION 796. The polls at town elections shall be opened at nine o'clock in the forenoon and closed at five thirty o'clock in the evening; provided, that the time may be extended by petition in the manner provided by section 49 of the statutes, such petition to be filed with the town clerk not less than twenty nor more than ninety days prior to the date of the town election. [*R. S. 1849 c. 12 s. 26; R. S. 1858 c. 15 s. 26; R. S. 1878 s. 796; 1881 c. 232; Ann. Stats. 1889 s. 796; Stats. 1898 s. 796; 1901 c. 402 s. 1; Supl. 1906 s. 796; 1907 c. 118; 1911 c. 620*]

Officers, how chosen. SECTION 797. All town officers shall be chosen by ballot except the superintendent or superintendents of highways, who shall be appointed by the town board. [*R. S. 1849 c. 12 s. 27; R. S. 1858 c. 15 s. 27; 1871 c. 26 s. 1; R. S. 1878 s. 797; Ann. Stats. 1889 s. 797; Stats. 1898 s. 797*]

Who may vote. SECTION 798. Every person who shall have resided in the state one year immediately previous to any town meeting and who shall be otherwise qualified to vote at a general election, including legal voters residing within any incorporated village which is not independent of the town in which it is situated, may vote at such town meeting in the town where he resides or in which such village or the part thereof in which the voter resides is situated. [*R. S. 1849 c. 12 s. 7; R. S. 1858 c. 15 s. 7; R. S. 1878 s. 798; 1883 c. 178; Ann. Stats. 1889 s. 798; Ann. Stats. 1889 s. 592a sub. 4; Stats. 1898 s. 798*]

Ballots. SECTION 799. In the election of town officers and justices of the peace to be chosen by ballot at town meetings each elector shall publicly at the poll deliver to one of the inspectors of such election a single ballot on which shall be written or printed the names of all the persons voted for by such elector, with a pertinent designation of the respective office which each person so voted for may be intended to fill; and no ballot shall contain a greater number of names designated for any office than there are persons to be chosen at such election to fill such office; and such ballots shall be received, deposited in the ballot box and kept as is required at a general election. [*R. S. 1849 c. 12 s. 28; R. S. 1858 c. 15 s. 28; 1859 c. 11 s. 1; R. S. 1878 s. 799; Ann. Stats. 1889 s. 799; Stats. 1898 s. 799*]

Ballots for justices. SECTION 800. Whenever at any town meeting a justice of the peace is to be elected to fill a vacancy, and also a justice or justices are to be elected for the full term, it shall be necessary to distinguish on the ballot the person voted for to fill such vacancy. [*R. S. 1849 c. 12 s. 92; R. S. 1858 c. 15 s. 109; R. S. 1878 s. 800; Ann. Stats. 1889 s. 800; Stats. 1898 s. 800*]

Challenges. SECTION 801. Every person offering to vote at a town meeting may be challenged as unqualified by any elector or by one of the inspectors of such election upon the same grounds and for the same reasons that a person offering to vote at any general election may be challenged; and when any person so offering to vote is so challenged one of the inspectors shall tender to him the same oath or affirmation required to be tendered to a person challenged at a general election, and shall put to the person so challenged the same questions which the inspectors at a general election are authorized and required to put to a person who is challenged at such election; and all provisions of law relating to

the reception or rejection of the vote of any person challenged and the duties of the officers in regard thereto at a general election, and all penalties prescribed for any violation of law applicable to a general election shall be applicable to town meetings to the same extent. [*R. S. 1848 c. 6 s. 32; 1857 c. 85 s. 13-17; R. S. 1858 c. 15 s. 29-34; R. S. 1878 s. 801; Ann. Stats. 1889 s. 801; Stats. 1898 s. 801*]

Canvass of votes. SECTION 802. At the close of every election the votes given by ballot shall be publicly canvassed by the inspectors at the place where the meeting was held, which canvass when commenced shall be continued without adjournment or intermission until the same shall be completed. [*R. S. 1849 c. 12 s. 33; R. S. 1858 c. 15 s. 38; R. S. 1878 s. 802; Ann. Stats. 1889 s. 802; Stats. 1898 s. 802*]

Counting ballots. SECTION 803. Before the ballots are opened they shall be counted and compared with the number of names of voters on the poll list; and if two or more ballots shall be found folded together, and the inspectors shall be satisfied from their appearance and from a comparison of the number of votes given with the number of names on the poll list that the ballots so folded together were given by the same person, they shall be rejected; and if the ballots shall be found to exceed in number the whole number of names on such poll list they shall be placed in the box from which they were taken and one of the inspectors shall publicly draw out and destroy unopened as many ballots as shall be equal to such excess; the number of ballots and the number of names on the poll list agreeing or being made to agree, the board shall then proceed to canvass and estimate the votes. [*R. S. 1849 c. 12 s. 34; R. S. 1858 c. 15 s. 39; R. S. 1878 s. 803; Ann. Stats. 1889 s. 803; Stats. 1898 s. 803*]

Announcement of result. SECTION 804. The canvass being completed and the result ascertained and determined by the inspectors, the clerk shall publicly read to the meeting the names of the persons for whom votes for each office were given and the number of votes so given for each person, and the names of the persons declared to be duly elected by the inspectors to each office respectively; and such reading shall be deemed sufficient notice to every person elected to any office at such meeting of his election whose name has been entered on the poll list as a voter. [*R. S. 1849 c. 12 s. 35; R. S. 1858 c. 15 s. 40; R. S. 1878 s. 804; Ann. Stats. 1889 s. 804; Stats. 1898 s. 804*]

Written statement. SECTION 805. The inspectors shall also draw up a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of the persons for whom such votes were given and the number of votes given for each person, and certify upon such statement their determination of the persons elected, which statement and certificate of determination shall be left with the town clerk and recorded in his office and carefully preserved by him. [*R. S. 1849 c. 12 s. 36; R. S. 1858 c. 15 s. 41; R. S. 1878 s. 805; Ann. Stats. 1889 s. 805; Stats. 1898 s. 805*]

Who elected. SECTION 806. The persons having received the greatest number of votes given for any office at such election shall be deemed and declared duly elected; and if two or more shall have received the greatest and an equal number of votes for the same office the inspectors of election shall determine the choice by lot, which lots shall be drawn by the persons receiving the equal number of votes; or in the absence of one or both of such persons or their refusal to draw by lot, the inspectors shall appoint a competent person to draw the same for them, and shall declare and certify the same accordingly. [*R. S. 1849 c. 12 s. 37; R. S. 1858 c. 15 s. 42; R. S. 1878 s. 806; Ann. Stats. 1889 s. 806; Stats. 1898 s. 806*]

Votes on other questions. SECTION 807. If any proposition other than the election of officers be voted upon by ballot at any town meeting the ballots cast upon such proposition shall be deposited in a separate box and a separate poll list kept of the electors voting upon such proposition. The ballots so cast shall be counted and canvassed and the result ascertained, declared and certified in like manner as in the case of ballots cast for officers. [*R. S. 1878 s. 807; Ann. Stats. 1889 s. 807; Stats. 1898 s. 807*]

Elections in large counties. SECTION 807a. At all elections of town officers in counties having a population of two hundred thousand or over the same duties are hereby required of town clerks as to the printing and distributing of ballots for town elections as are now required of county clerks at general elections and of city clerks at municipal elections by sections 41, 42 and 45. [*1897 c. 372 s. 5; Stats. 1898 s. 807a*]

Canvass in such counties. SECTION 807b. In all counties having a population of two hundred thousand or more the town board of any town divided into election districts pursuant to law, or a majority of them, together with the town clerk of such town, shall constitute the canvassing board of such town, and such board shall meet at the town hall within twenty-four hours after the closing of the polls at every town election in such town, and then and there publicly canvass all the statements theretofore delivered to said town clerk by the inspectors of election as provided in section 807a, and the said canvass shall be made and completed and the result thereof ascertained and determined by said can-

vassing board; and it shall be the duty of said town clerk to forthwith read publicly the names of the persons for whom votes for each office were given, the number of votes so given for each person, and the name of the person declared to be duly elected to each office respectively; and such reading shall be deemed sufficient notice to every person elected to any office at such meeting of his election. [1897 c. 372 s. 7; Stats. 1898 s. 807b]

CHAPTER 39.

OF TOWN OFFICERS.

GENERAL PROVISIONS.

Election of officers; Milwaukee; eligibility. SECTION 808. At the annual town meeting there shall be elected in each town the following officers, viz.: Three supervisors, one of whom shall be designated on the ballots as chairman, a town clerk, a treasurer, an assessor (either two or three, if the town board at their last meeting before such election shall have so ordered), so many justices of the peace as are required by law to be elected at such meeting, so many constables, not exceeding three, as shall be ordered by the meeting, and a librarian, if a town library have been established; provided, that in all counties which contain a population of not less than one hundred thousand, such election shall be held biennially in the even-numbered years, and such officers shall hold office for two years. No person except an elector of the town shall hold any town office, and no person shall hold the offices of treasurer and assessor at the same time. [R. S. 1849 c. 12 s. 33, 39; R. S. 1858 c. 15 s. 6; R. S. 1858 c. 15 s. 44; 1861 c. 179; 1865 c. 140 s. 13; 1868 c. 174 s. 2; 1869 c. 175 s. 4; 1871 c. 128 s. 1; 1875 c. 16; R. S. 1878 s. 808; 1889 c. 167; Ann. Stats. 1889 s. 808, 808a; 1895 c. 103; Stats. 1898 s. 808; 1899 c. 97 s. 1; Supl. 1906 s. 808; 1907 c. 118]

Notice of election; oath and bond. SECTION 809. Within five days after the election of any town officers the town clerk shall transmit a notice thereof to the person elected, unless he voted at the meeting; and every person elected or appointed to any town office, except justices of the peace, shall, within ten days after his election or appointment, or notification thereof, if required, and before entering upon the duties of his office, take and subscribe before the town clerk or some authorized officer an oath to support the constitution of the United States and the constitution of this state, and faithfully to discharge the duties of his office (naming the same) to the best of his ability, and shall file the same, duly certified by the officer administering it, in the office of the town clerk. Such oath shall be administered and certified without fee. The neglect to file such oath, or an official bond when required, within the time prescribed therefor shall be deemed a refusal to serve in such office. [R. S. 1849 c. 12 s. 39, 40; R. S. 1858 c. 15 s. 45, 46; R. S. 1878 s. 809; Ann. Stats. 1889 s. 809; Stats. 1898 s. 809]

Bonds, how executed. SECTION 810. Every bond required of a town officer shall be executed to the town by its name; shall be in such sum, when no other provision is made, as shall be fixed by the town board therefor, and if none be fixed, then in the sum of the bond of the last incumbent of the office; shall have at least two sufficient sureties to be approved by the chairman in writing thereon, and be filed with the town clerk within the time prescribed for filing his oath of office, except that the bond of the clerk shall be filed with the treasurer; and whenever the town board shall deem any bond insufficient they may require an additional bond to be made and filed in a sum, and within a time not less than ten days, to be fixed by them. [R. S. 1878 s. 810; Ann. Stats. 1889 s. 810; Stats. 1898 s. 810]

Term of office. SECTION 811. Every town officer elected at an annual meeting, except as provided in section 808 and excepting justices of the peace, shall hold his office for one year, and every such officer shall hold until his successor is elected and qualified. When elected at any meeting to fill a vacancy he shall hold only for the residue of the term and until his successor is qualified. [R. S. 1849 c. 12 s. 43, 44; R. S. 1858 c. 15 s. 49, 50; R. S. 1878 s. 811; Ann. Stats. 1889 s. 811; Stats. 1898 s. 811]

Failure to give bond or to act. SECTION 812. If any person elected to a town office, of whom an oath or bond is required, shall enter upon the duties of such office before he shall have filed such oath or bond he shall forfeit not less than ten nor more than fifty dollars; and if any person so elected, except he be unable from disease or other infirmity to discharge the duties of such office, shall refuse or neglect to serve therein he shall forfeit ten dollars, unless he shall have served in some town office for the term next preced-

ing such election and shall have given written notice of refusal to the town clerk within the time prescribed for filing his oath. [*R. S. 1849 c. 12 s. 41, 42; R. S. 1858 c. 15 s. 47, 48; R. S. 1878 s. 812; Ann. Stats. 1889 s. 812; Stats. 1898 s. 812*]

Continuance of justices in newly organized towns. SECTION 813. When a new town shall be organized, if there be one or more justices of the peace residing therein, they shall be deemed justices thereof and shall hold their offices according to their respective terms; and only so many justices shall be chosen as shall be necessary to make up the number of two in such town. [*R. S. 1849 c. 12 s. 49; R. S. 1858 c. 15 s. 55; R. S. 1878 s. 813; Ann. Stats. 1889 s. 813; Stats. 1898 s. 813; 1911 c. 72*]

Decided by lot. SECTION 814. The town clerk, within six days after the election of justices of the peace in any such new town, shall give notice in writing to the justices elected to meet at such time and place as shall be specified in the notice for the purpose of determining by lot the terms of office of such justices, which notice shall be given not less than six nor more than twelve days previous to the time appointed therein for such meeting. [*R. S. 1849 c. 12 s. 50; R. S. 1858 c. 15 s. 56; R. S. 1878 s. 814; Ann. Stats. 1889 s. 814; Stats. 1898 s. 814*]

Method. SECTION 815. At the time and place so appointed the town clerk shall cause to be written on separate pieces of paper as nearly alike as practicable the numbers one, two, or so many of each such number as shall correspond to the vacant terms of office to be supplied, and fold them up as nearly alike as practicable and deposit them in a box, and the persons so elected justices shall each severally draw one of said pieces of paper if present; and if any shall have neglected to attend or shall refuse to draw, then some elector of the town selected by the clerk shall draw in his stead; and each such justice shall hold his office for such number of years as shall be designated by the number so drawn by or for him. [*R. S. 1858 c. 15 s. 57, 58; R. S. 1878 s. 815; Ann. Stats. 1889 s. 815; Stats. 1898 s. 815*]

Certificate of result. SECTION 816. The town clerk shall make duplicate certificates of such drawing and the result thereof, one of which shall be filed and recorded in his office and the other he shall transmit to the clerk of the circuit court of the county. [*R. S. 1849 c. 12 s. 53; R. S. 1858 c. 15 s. 59; R. S. 1878 s. 816; Ann. Stats. 1889 s. 816; Stats. 1898 s. 816*]

Resignations. SECTION 817. The town board may, for sufficient cause shown them, accept the resignation in writing of any town officer, and thereon they shall indorse their acceptance and file the same with the town clerk. [*R. S. 1849 c. 12 s. 51, 52; R. S. 1858 c. 15 s. 52; R. S. 1878 s. 817; Ann. Stats. 1889 s. 817; Stats. 1898 s. 817*]

Vacancies. SECTION 818. If a vacancy occur in the town board the remaining supervisors together with the town clerk shall fill the same. If the treasurer-elect refuse to serve or the office of treasurer become vacant, or if he shall be unable for any cause to perform his official duties, the town board shall forthwith appoint a treasurer for the remainder of such term; and such appointment shall not exonerate the former treasurer or his sureties from any liability incurred. If any other town office except that of justice of the peace be vacant, or the incumbent thereof shall from any cause be unable to perform his official duties, the town board may appoint a suitable person to discharge the duties of such office until the same is filled by election or the disability is removed. The appointee in either such case shall file an oath of office and give the like bond required of the officer in whose place he is appointed and within the time hereinbefore prescribed. [*R. S. 1849 c. 12 s. 47, 48, 85; R. S. 1849 c. 15 s. 75; R. S. 1858 c. 15 s. 53, 54; R. S. 1858 c. 18 s. 102; 1861 c. 70; R. S. 1878 s. 818; Ann. Stats. 1889 s. 818; Stats. 1898 s. 818*]

JUSTICES OF THE PEACE.

Number; terms; vacancies. SECTION 845. There shall be two justices of the peace in each town, of whom one shall be elected at each annual town meeting. Their term of office shall be two years from the first Monday of May next following such town meeting; provided, that in all counties which contain a population of not less than one hundred thousand no justices of the peace shall be elected in the odd-numbered years, except to fill vacancies, and that in the even-numbered years two justices of the peace shall be elected for the term of two years. Every vacancy shall be filled at the annual town meeting next ensuing, unless a special election shall have been held, and when so elected such justices shall hold only for the residue of the unexpired term. When a vacancy shall occur, or when any justice shall, from any cause, become permanently unable to perform his official duties the town board may appoint temporarily a suitable person to such office, to hold until it shall be filled by election and until their successors are elected and

qualified. [R. S. 1849 c. 12 s. 83; R. S. 1858 c. 15 s. 100; 1859 c. 28; 1865 c. 194 s. 1; R. S. 1878 s. 845; Ann. Stats. 1889 s. 845; Stats. 1898 s. 845; 1899 c. 97 s. 2; Supl. 1906 s. 845; 1907 c. 118; 1911 c. 72]

Town justices given village police justice powers. SECTION 845m. Justices of the peace in towns in all cases arising under the ordinance and by-laws of such town shall have all of the powers now given to police justices in incorporated villages. [1907 c. 335]

Oath; form of bond; when and where filed. SECTION 846. 1. Every justice of the peace, elected for a full term, shall on or before the first Monday of May, next succeeding his election, and every justice elected or appointed to fill a vacancy, shall within ten days thereafter, or after notice thereof, if required to be given, take and subscribe the oath of office prescribed in section 809, before a competent officer, and file the same with the clerk of the circuit court; and shall also, within the same time, execute and file with said clerk, a bond with two or more sufficient sureties, to be approved by the chairman or any two of the supervisors, substantially in the following form, namely:

A. B., chosen a justice of the peace in the town of, and C. D. and E. F., as his sureties, do hereby jointly and severally bind themselves and agree to pay on demand, to the said town and to each and every person who may be entitled thereto, all such sums of money as the said justice may become liable to pay on account of money which may come into his hands by virtue of his office.

Dated this day of, 19..

A.
B.
C. D.
E. F.

Executed in the presence of and sureties approved by

L. M., Chairman,
or

A. /
B. / Supervisors.

Duty of clerk of court. The clerk of the circuit court shall within ten days after the filing with him of said oath and bond, execute and mail to the clerk of the town, city or village, wherein such justice of the peace was elected, a certified copy of said bond, which certified copy shall be filed by said town, city or village clerk, and preserved in his office, and the same shall be presumptive evidence of its execution by such justice and his sureties. [R. S. 1849 c. 12 s. 88-90; R. S. 1858 c. 15 s. 105-107; R. S. 1878 s. 846; 1881 c. 27; 1881 c. 281; Ann. Stats. 1889 s. 846; Stats. 1898 s. 846; 1901 c. 78 s. 1; Supl. 1906 s. 846; 1907 c. 118; 1913 c. 773 s. 30]

When may qualify. SECTION 847. In all cases when any person shall be duly elected justice of the peace, but shall fail to qualify within the time prescribed by law on account of necessary absence from the county or of being sick, he may qualify as such justice at any time within six months from the time of his election, if the vacancy occasioned by his failure to qualify shall not have been filled as by law provided, by taking and filing with his oath of office and bond a further oath that he did not qualify within the time prescribed by law for the reason only that he was sick or absent from the county; and he may thereupon enter upon and exercise the duties and functions of such office during the residue of the term for which he was so elected. [1853 c. 109 s. 1, 2; R. S. 1858 c. 17 s. 110, 111; R. S. 1878 s. 847; Ann. Stats. 1889 s. 847; Stats. 1898 s. 847]

Justices and constables. SECTION 852c. Every village so incorporated and which is not authorized to elect a justice of the peace, a police justice or constable shall, at its annual charter election, elect one justice of the peace and one constable in the manner prescribed by its charter for electing trustees. Every justice and constable so elected shall qualify in the manner prescribed for such officers elected in towns. The justice of the peace shall hold his office for two years and until his successor is elected and qualified; if a vacancy occurs it shall be filled at the next annual charter election. He shall have concurrent jurisdiction and powers throughout the county in which such village is situated with other justices of the peace, and exclusive original jurisdiction of all cases arising under the ordinances and by-laws of such village. If he is temporarily absent or incapacitated, or in case the office is vacant, any justice of the peace of the town in which such village is located may exercise the jurisdiction hereby conferred upon such village justice. The constable so elected shall hold his office for one year and exercise such powers and be subject to such liabilities as constables elected in towns. [1881 c. 270; Ann. Stats. 1889 s. 852d; 1897 c. 287 s. 1; Stats. 1898 s. 852]

ELECTIONS.

Charter elections. SECTION 871. The annual charter election shall be held on the first Tuesday of April in each year. Ten days' notice thereof shall be given by the clerk by publication in any newspaper regularly published in such village, and if there be no such newspaper then by posting three printed or written notices thereof in three public places therein; but the omission thereof shall vitiate no such election. Special elections may be held when ordered by a majority of the village board specifying the objects thereof, provided ten days' notice, specifying the time and place for holding the same and the objects thereof, be given as above provided. Such notice may, in either case, be given by any five electors if there be no officer to give the same; provided, that the term of office of all officers, except justices of the peace, in any village which shall, prior to the passage of this act, have held its annual meeting on the first Tuesday in May, shall expire upon the qualification of their respective successors; provided, that in any village in which the charter election is now held in May, such village shall, in May, 1897, hold its election as heretofore, and the term of office of officers elected at such election shall expire as though the election had been held on the first Tuesday in April. [*R. S. 1849 c. 52 s. 13, 18, 21; R. S. 1858 c. 70 s. 13, 17, 18, 21; 1872 c. 188 s. 19, 20, 26; R. S. 1878 s. 871; 1883 c. 178; Ann. Stats. 1889 s. 871; Ann. Stats. 1889 s. 892a sub. 3; 1897 c. 287 s. 24; Stats. 1898 s. 871*]

Place; opening and closing of polls. SECTION 872. Every village election shall be held at a place designated by the village board, and the polls thereof shall be opened at nine o'clock in the forenoon and closed at five thirty o'clock in the evening; provided, that the time may be extended by petition in the manner provided by section 49 of the statutes, such petition to be filed with the village clerk not less than twenty nor more than ninety days prior to the date of such election. [*R. S. 1849 c. 52 s. 14, 15; R. S. 1858 c. 70 s. 14, 15; 1872 c. 188 s. 19, 24; R. S. 1878 s. 872; Ann. Stats. 1889 s. 872; 1895 c. 155; 1897 c. 287 s. 25; Stats. 1898 s. 872; 1911 c. 620*]

Ballot; tie. SECTION 873. All elections shall be by ballot, and all votes for elective officers at any election shall be upon one ballot and be deposited in one ballot box. A plurality of votes shall elect; and if two or more persons receive an equal number of votes for the same office the election shall be forthwith determined by lot in the presence of the inspectors in such manner as they shall direct. Every qualified elector then actually resident in such village may vote at any election. [*R. S. 1849 c. 52 s. 17; R. S. 1878 c. 70 s. 17; 1872 c. 188 s. 20, 21; R. S. 1878 s. 873; Ann. Stats. 1889 s. 873; 1897 c. 287 s. 26; Stats. 1898 s. 873*]

Statutes governing town meetings applicable. SECTION 874. All village elections shall be, except as hereinbefore provided, conducted and the result canvassed and certified as in the case of town meetings and except as modified by this act. Every statute relating to holding town meetings, canvassing and certifying the result thereof, and relating or applicable to the duties of inspectors and clerks, the challenging of votes and to voting thereat, and every statute prescribing and punishing offenses for illegal voting, bribery, fraud, deceit, corruption, official delinquency or other offense at or concerning elections which is applicable to town meetings, is hereby extended and applied to village elections. [*1872 c. 188 s. 22, 25; R. S. 1878 s. 874; Ann. Stats. 1889 s. 874; 1897 c. 287 s. 27; Stats. 1898 s. 874*]

OFFICERS.

Officers specified; eligibility; appointments. SECTION 875. At the annual charter election in each village there shall be chosen the following officers, viz.: A president, a clerk, a treasurer, an assessor and a constable; also two justices of the peace and a police justice, if required to be elected in such year, unless such last-named office shall have been discontinued, and a supervisor, except in counties having a population of at least two hundred and fifty thousand. All other officers, except trustees, of villages organized under the provisions of this chapter or any general law shall be appointed by the village board at their first meeting after the annual election unless such board shall otherwise provide; and such officers shall be removable by such board on a vote of a majority of all the trustees. No person not a resident elector in such village shall be eligible to any office therein. The village clerk may appoint a deputy clerk for whom he shall be responsible, and who shall take and file the oath of office, and in case of the absence, sickness or other disability of the clerk, may perform his duties and receive the same compensation unless the village board shall appoint a person to act as such clerk. [*R. S. 1849 c. 52 s. 19; R. S. 1858 c. 70 s. 18, 19; 1872 c. 188 s. 23, 28, 29, 36, 76; 1874 c. 319; R. S. 1878 s. 875; 1885 c. 179*]

s. 1; 1889 c. 16; Ann. Stats. 1889 s. 875; 1897 c. 287 s. 28; Stats. 1898 s. 875; 1907 c. 398; 1911 c. 11]

Election of president and trustees. SECTION 875a. Villages that have a president and four or more trustees shall elect them as follows: The president shall be elected annually. On the first Tuesday in April, 1902, one-half of the trustees shall be elected for a term of one year and one-half of the trustees shall be elected for a term of two years and each year thereafter one-half of the trustees shall be elected for a term of two years; provided that in villages having an odd number of trustees, the village board shall by ordinance determine the number to be elected in 1902 for a term of one year and the number to be elected for a term of two years, which number shall be one-half the number of said body as near as may be. Annually thereafter the trustee of said villages shall be elected for two years, except elections to fill vacancies, which shall be for the unexpired term. [1901 c. 329 s. 1; Supl. 1906 s. 875a; 1907 c. 118; 1911 c. 663 s. 77]

Election of president and trustees. SECTION 875m. Villages shall have a president and six trustees unless its charter shall otherwise provide and shall elect them as follows: The president shall be elected annually. On the first Tuesday in April following the taking effect of this act, one-half of the trustees shall be elected for a term of one year and one-half of the trustees shall be elected for a term of two years and each year thereafter one-half of the trustees shall be elected for a term of two years; provided, that in villages having an odd number of trustees, the village board shall by ordinance determine the number to be elected at such election held on the first Tuesday in April following the taking effect of this act for a term of one year, and the number to be elected for a term of two years, which number shall be one-half the number of said body as near as may be; provided, that in any village, which at its last annual charter election prior to the taking effect of this act elected one-half of its trustees for a term of two years, said trustees so elected for two years may continue in office for the balance of the term for which so elected, and in all such villages at the first annual charter election after the passage of this act there shall be no trustees elected for the term of one year. Annually thereafter the trustees of said village shall be elected for two years; provided, that the president and trustees of all villages in counties having a population of one hundred and fifty thousand or more, shall be elected for a term of two years, at the municipal election held in said villages on the first Tuesday in April, of each year in which is to be held a general election for state and county officers. [1911 c. 11]

Clerk to notify officers elect; oath of office. SECTION 876. Within five days after the election or appointment of any village officer the village clerk shall notify the person so selected thereof unless he voted at such election, and every person elected or appointed to any office named in the preceding section, except justice of the peace and police justice, shall within ten days after such election or appointment or notice thereof, when so required to be given, and before entering on the duties of his office, take and subscribe before the village clerk or some authorized officer an oath to support the constitution of the United States and the constitution of this state and faithfully to discharge the duties of his office, naming the same, to the best of his ability, and file the same, duly certified by the officer administering it, in the village clerk's office. Such oath shall be administered and certified without fee. The neglect to file such oath or an official bond, when required, shall be deemed a refusal to serve in and vacation of such office. [R. S. 1849 c. 52 s. 20; R. S. 1878 c. 70 s. 20; 1872 c. 188 s. 33, 35; R. S. 1878 s. 876; Ann. Stats. 1889 s. 876; 1897 c. 287 s. 29; Stats. 1898 s. 876]

Official bonds; officers not to be sureties. SECTION 877. Every bond required by a village officer shall be executed with sufficient sureties to the village by its name, shall be in a sum to be fixed by the village board when not otherwise prescribed, shall be approved by the president and filed with the village clerk within the time prescribed for filing his oath of office and before entering on the duties of his office, except that the clerk's shall be filed with the treasurer. Whenever the village board shall deem any bond insufficient they may require an additional bond to be executed and filed in a sum and within a time not less than ten days, to be fixed by them. No village officer shall be accepted as a surety on any bond, note or other obligation to the village. [R. S. 1849 c. 52 s. 17; 1872 c. 188 s. 32-34; R. S. 1878 s. 877; Ann. Stats. 1889 s. 877; 1897 c. 287 s. 20; Stats. 1898 s. 877]

Officers; terms; vacancy. SECTION 878. The term of office of all village officers, except trustees, justice of the peace and police justice, shall be one year and until their respective successors are elected or appointed and qualified, and all vacancies including president and trustees therein, except police justice and justice of the peace shall be filled for the residue of the unexpired term only. Every such vacancy except police justice shall be filled by the village board, and if any officer be absent or temporarily incapacitated from any cause the board may appoint some person to discharge, in the meantime,

his duties. The board may accept the resignation of any officer. [*R. S. 1849 c. 52 s. 18, 19, 22; R. S. 1858 c. 70 s. 18, 19, 22; 1872 c. 188 s. 30, 31; R. S. 1878 s. 878; Ann. Stats. 1889 s. 878; 1891 c. 269; 1897 c. 287 s. 31; Stats. 1898 s. 878; 1909 c. 260; 1911 c. 11*]

Villages are independent. SECTION 925*h*. All villages hereafter organized under the provisions of this chapter and all villages heretofore organized under any general or special law and all villages the incorporation of which shall be rendered valid by section 853 *a* shall be separate and independent municipalities and shall constitute separate election districts within the meaning of the statute relating to general elections. [*1897 c. 287 s. 100; Stats. 1898 s. 925*h**]

CHAPTER V—CITY OFFICERS, THEIR ELECTION, APPOINTMENT, QUALIFICATIONS, COMPENSATION, AND VACANCIES.

Of cities of first class. SECTION 925—22. Officers of cities of the first class shall be a mayor, two aldermen from each ward, constituting a common council, a treasurer, comptroller, attorney, clerk, engineer, tax commissioner, an assessor for each ward, a board of public works, a school board, a board of commissioners of the public debt, a board of health, one or more city physicians, a chief of police, a chief engineer of the fire department, one or more harbor masters where required, a supervisor for each ward, a justice of the peace and one constable for each ward, policemen, bridge tenders, firemen, street commissioners and such other officers as the council shall from time to time deem necessary. [*1889 c. 326 s. 22; Ann. Stats. 1889 s. 925*g* sub. 22; Stats. 1898 s. 925—22*]

Cities of the first class; aldermen. SECTION 925—22*a*. 1. In each city of the first class in the state, whether operating under a general or special charter, there shall be elected to the common council as members thereof, twelve aldermen at large and one alderman from each ward and such aldermen shall constitute the sole legislative body of such city. The powers and salary of the aldermen shall be the same as now or is subsequently provided. The aldermen elected at large, after the first election, shall be elected for a term of four years, the aldermen from the wards shall be elected for a term of two years. At the first election of aldermen at large, there shall be twelve elected, the six having the largest number of votes to hold for a term of four years and the second six to hold for a term of two years, when their successors are to be elected for a term of four years.

Election day. 2. The election of aldermen under the provision of this act shall take place on the first Tuesday of April, 1908, and biennially thereafter. [*1907 c. 566*]

Officers of cities; power of council to dispense with certain constables. SECTION 925—23. The officers of cities of the second, third and fourth classes shall be a mayor, treasurer, clerk, comptroller, attorney, assessor or one or more assessors, two or more justices of the peace, one or more constables as the common council may determine by ordinance, a physician, street commissioner, chief of the fire department, a board of public works, a board of school commissioners, one or more policemen, two aldermen and one supervisor from each ward, and such other officers or boards as the common council may deem necessary; provided, that the council, by a two-thirds vote, may dispense with the offices of street commissioner, engineer, comptroller and board of public works, and provided that the duties thereof be performed by other officers or boards, by the council or a committee thereof. [*1889 c. 326 s. 23; Ann. Stats. 1889 s. 925*g* sub. 23; 1893 c. 312 s. 11; 1895 c. 236; 1897 c. 139 s. 1; Stats. 1898 s. 925—23; 1901 c. 60 s. 1; Suppl. 1906 s. 925—23; 1907 c. 118*]

Elections. SECTION 925—24. 1. The annual or biennial municipal election in all cities shall be held on the first Tuesday in April at such place or places as the city council shall designate; provided that in cities of the fourth class the city council by ordinance duly adopted by a three-fourths vote of all the members-elect, may fix as the time of holding such election the first Tuesday in March.

2. The polls at such election, except in cities having a population of less than five thousand inhabitants, shall be opened at six o'clock in the morning and closed at eight o'clock in the evening. In cities having a population of less than five thousand inhabitants said polls shall be opened at nine o'clock in the morning and closed at five-thirty o'clock in the evening; provided, that such time for the opening and closing of polls in such cities may be extended as provided in subsection 2 of section 49 of the statutes.

3. Ten days' previous notice of the time and place of such election and of the officers to be elected shall be given by the city clerk by publication in the official city paper and by posting written or printed notices in three public places in the city; but the failure to give such notice shall not invalidate such election. In all other respects such election

shall be conducted as prescribed by chapter 5, except that no registration of voters shall be required unless provided for by ordinance. [1889 c. 236 s. 21; Ann. Stats. 1889 s. 925g sub. 24; 1893 c. 312 s. 12; 1895 c. 316 s. 14; Stats. 1898 s. 925-24; 1911 c. 620; Spt. S. 1912 c. 7]

City officers; methods of choosing. SECTION 925-25. 1. The mayor, treasurer, comptroller, aldermen, justices of the peace and supervisors shall be elected by the people. The other officers shall be elected or otherwise selected as provided by ordinance approved by the electors of the city; provided, that in case any such officer, except policemen, shall be appointed by the mayor, such appointment shall be subject to confirmation by the council. In cities where the clerk performs the duties of comptroller, the clerk shall be elected by the people.

Methods under general charter. 2. In all cities operating under the general law, officers, except as herein specified, shall continue to be elected or appointed in the manner now provided by law. In cities adopting the general law all officers shall continue to be elected or appointed in the manner prevailing in such cities at the time of the adoption of the general law, until changed in the manner herein provided, except as herein otherwise provided.

Change of method by initiative and referendum. 3. Upon petition of fifteen per centum of the electors voting at the last preceding election the council shall submit the question of changing the manner of election of any city official to the method specified in such petition except as to those officials enumerated in section 1 of this act who are to be elected by the people. Thereafter such officers shall be elected or appointed in the manner determined by the electors at such election.

Cities of fourth class; elective method chosen by petitioners. 4. In cities of the fourth class the clerk and other officers, may be elected by the electors at the same time and in the same manner as other officers are elected, upon a petition asking to be so being filed in the office of the city clerk fifteen days prior to any regular municipal election, signed by thirty per cent of the electors of such city who voted at the last general election then next preceding as appears from the poll list.

Notice of election when petitioners determine. 5. It shall be the duty of the council and the proper officers of any city of the fourth class to give notice of, call for and order the election at the next election and thereafter at each succeeding election, the officer or officers whose title of office is specified in such petition.

Petitioners may choose either elective or appointive method; exceptions. 6. Such petition may include one or more or all of the officers of such city, and the notice of and the order for the election shall follow and include the officer or officers named in the petition, and upon like petition, signed by a majority of the electors asking thereon, any common council, of any city of the fourth class by ordinance duly passed may provide for the appointment by the mayor with the concurrence of the council of any officers of such city excepting the office of mayor, aldermen, treasurer, supervisor or justice of the peace. [1889 c. 320 s. 25; Ann. Stats. 1889 s. 925g sub. 25; 1893 c. 312 s. 14; 1895 c. 70 s. 1; 1897 c. 139 s. 2; Stats. 1898 s. 925-25; 1901 c. 60 s. 1; 1905 c. 215 s. 1; Supt. 1906 s. 925-25; 1907 c. 118, 604]

Terms. SECTION 925-26. All officers shall hold their offices respectively for the term of one year, except justices of the peace and aldermen, who shall hold for two years and until their successors are qualified, unless the council shall, by ordinance, provide a longer term for said officers or any of them, or unless a different term of office is expressly provided in this chapter; provided, that this section shall not extend the terms of any city officers beyond the terms for which they were originally elected or appointed. The common council may provide that the terms of the aldermen first elected after the adoption of this provision shall expire in different years, and that after part of the aldermen shall be elected each year and hold for the full term. [1889 c. 320 s. 26; Ann. Stats. 1889 s. 925a sub. 26; 1894 c. 312 s. 11; 1895 c. 316 s. 14; 1897 c. 70 s. 1; 1897 c. 139 s. 3; Stats. 1898 s. 925-26]

Cities; terms of office. SECTION 925-26a. 1. In cities of the second, third and fourth classes, the terms of office of all city officers hereafter chosen by the electors, except aldermen of cities governed by special charter, shall be two years; and also except supervisors, who shall be elected annually, and their term of office shall be for one year, unless otherwise provided for in cities operating under special charters, or unless the common council shall by ordinance provide a different term for said officers, or any of them.

Exception. 2. This act shall not affect the term of office of any city officer which exceeds two years.

Aldermen. 3. The common council may, by ordinance adopted and published at any time previous to the publication of notice of the election at which aldermen are to be

elected, provide for the division of the aldermen into two classes, one class to be elected for two years, and the other for four years and thereafter the term of office of all such aldermen shall be four years. All ordinances adopted under the authority herein granted shall be deemed adopted, only upon the affirmative vote of two-thirds of the members-elect of the council, which vote shall be recorded. [1901 c. 113 s. 1; 1903 c. 28 s. 1; 1905 c. 233 s. 1; Supl. 1906 s. 925—26a, 926—117; 1907 c. 7, 118; 1909 c. 227]

See section 926—147.

Eligibility. SECTION 925—27. No person shall be eligible to an office created by the provisions of this chapter who is not at the time of his election a citizen of the United States and of this state and a resident elector of the city; nor shall any person be eligible to any ward office unless he shall be at the the time a resident elector of the ward in which such office exists. [1889 c. 326 s. 27; Ann. Stats. 1889 s. 925g sub. 27; 1893 c. 312 s. 11; Stats. 1898 s. 925—27]

Commencement of terms. SECTION 925—28. The term of office of the mayor and aldermen shall commence on the third Tuesday of April succeeding their election and qualification. The terms of all other officers shall commence on the first day of May succeeding their election or appointment unless otherwise provided by ordinance, and they shall hold for such term as has been provided for each respectively and until their respective successors are qualified. [1889 c. 326 s. 28; Ann. Stats. 1889 s. 925g sub. 28; 1893 c. 312 s. 15; Stats. 1898 s. 925—28]

Elections, how held; tie vote. SECTION 925—29. All elections shall be by ballot and a plurality of votes cast shall constitute an election. When two or more candidates shall receive an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the council at such time and in such manner as such council shall direct. [1889 c. 326 s. 29; Ann. Stats. 1889 s. 925g sub. 29; Stats. 1898 s. 925—29]

Officers; clerk's certificates of election and qualification. SECTION 925—29a. To the person elected to any office the city clerk shall issue a certificate of election. To the person appointed, a certificate that such person has qualified for the position to which such a person is appointed, which certificate shall be filed with the secretary of the commission or board to which such a person has been appointed. Thereupon such appointee shall be deemed to be qualified to act as a member of such board or commission. [1907 c. 193]

Salaries, how fixed. SECTION 925—30. The common council shall by ordinance provide such salary or compensation for the officers and employes of the city as it shall deem proper; provided, that in cities of the second, third and fourth classes no salary shall be paid to the mayor or members of the council except when ordered by a vote of three-fourths of the members-elect of the council. The council shall, at its first regular meeting in February, fix the amount of salary which shall be received by every officer entitled to a salary, who may be elected or appointed during the ensuing year, which shall not be increased or diminished during his term of office and which shall be paid out of the city treasury at the end of each month. All salaries heretofore fixed by any council or established by law shall be and remain the salaries of such officers until the council shall otherwise determine; provided, however, that where any new city shall have been incorporated and officers thereof elected or appointed the council may at any regular meeting, during the term of office of such officers, declare and fix the amount of compensation they shall receive. [1889 c. 326 s. 30; Ann. Stats. 1889 s. 925g sub. 30; 1893 c. 312 s. 16; 1895 c. 183; Stats. 1898 s. 925—30]

Salaries, cities of the first class. SECTION 925—30a. The common council of any city of the first class, whether operating under general or special charter, may at any time within sixty days prior to the first day of December of any year, introduce and pass ordinances fixing and changing the salary of any city officials and employes, the ordinances to go into effect on the first of January thereafter. The salaries of all elective or appointive officers having a definite term shall not be changed during their term of office. The salary of elective officers may be changed within the period hereinbefore stated, to take effect at the end of the term of the incumbent. [1913 c. 306]

Vacancies, how filled. SECTION 925—31. When any office shall remove from the city, or any ward officer shall remove from his ward, or any such officer shall refuse or neglect for ten days after official notification of his election or appointment to qualify and enter upon the discharge of the duties of his office, the office shall be deemed vacant; and whenever a vacancy shall occur in any office where the officer was elected by the people it shall be filled by appointment by the mayor, such appointment to be confirmed by the council; and whenever a vacancy shall occur in any office to be filled by appointment the same proceedings shall be had to fill such vacancy as are provided for

in case of an appointment in the first instance. [1889 c. 326 s. 31; Ann. Stats. 1889 s. 925g sub. 31; 1893 c. 312 s. 17; Stats. 1898 s. 925—31]

Vacancy in mayor's office. SECTION 925—31b. A vacancy in the office of mayor shall be filled by the common council, the person selected to hold office until the first Tuesday in April, succeeding, when the vacancy shall be filled by an election. The person so elected by the common council shall be elected in the same manner as the president of the common council. [1907 c. 493]

Salaries; no additional pay. SECTION 925—31c. No officer or employe receiving a salary from any city, whether organized under general or special law, shall receive for service of any kind or nature rendered such city any compensation therefor other than the salary fixed and provided for such office. This act shall apply to all officials now serving or hereafter elected or appointed to public place. Provided, that for the purposes of this section moneys or funds held by any such city as pension funds shall not be considered or construed to be city money or funds, and that the payment to or receipt by any person of any money from any such funds shall not be construed as the payment or receipt of money or compensation from such city. [1907 c. 493; 1913 c. 347]

Special elections. SECTION 925—32. Special elections to fill vacancies or for any other purpose shall be held and conducted by the inspectors and clerks of election of the several election precincts in the same manner and the returns thereof shall be made in the same form and manner as of the general municipal elections, and within such time as is prescribed by law. [1889 c. 326 s. 32; Ann. Stats. 1889 s. 925g sub. 32; Stats. 1898 s. 925—32]

Term of office. SECTION 925—33. Every person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term. [1889 c. 326 s. 33; Ann. Stats. 1889 s. 925g sub. 33; Stats. 1898 s. 925—33]

Oath of office. SECTION 925—34. Every person elected or appointed to any office shall, before he enters upon the discharge of the duties thereof, take and subscribe the oath of office provided for by the constitution, and file the same with the city clerk within ten days after notice of his election or appointment; and in case of his failure to do either the office shall be deemed vacant. [1889 c. 326 s. 34; Ann. Stats. 1889 s. 925g sub. 34; Stats. 1898 s. 925—34]

Bonds. SECTION 925—35. The treasurer, comptroller, justices of the peace, constables and such other officers as the council may direct shall, before entering upon the discharge of the duties of their respective offices, execute and deliver to the city a bond in such sum as the council may determine, with two or more sureties, conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the council may prescribe; the council may at any time require new and additional bonds of any officer. All bonds must be approved by the mayor, and when so approved shall be filed in the office of the city clerk within ten days after the officer executing the same shall have been notified of his election or appointment, and when so approved and filed shall be recorded by the city clerk in a book kept for that purpose; such clerk shall annex to each such record a certificate that the same is a true copy of the original, and such record shall be prima facie evidence of the contents of such bond and in the absence of the original may be used as evidence in all courts. Justices of the peace and constables shall also give a bond as required by statute. [1889 c. 326 s. 35; Ann. Stats. 1889 s. 925g sub. 35; Stats. 1898 s. 925—35]

Removal of officers. SECTION 925—36. Every person elected or appointed to any office may be removed therefrom by a vote of three-fourths of all the members of the council; but no such officer shall be removed except for cause nor unless charges are preferred against him and an opportunity given him to be heard in his defense. The council may compel the attendance of witnesses and the production of papers when necessary for the purpose of such hearing, and shall proceed within ten days after the charges are filed with the city clerk to hear and determine the case upon its merits. The mayor may suspend any officer against whom charges have been preferred until the disposition of the same and appoint an officer to fill the vacancy temporarily until the charges have been disposed of. Any officer appointed by the mayor without confirmation under the provisions of this chapter may be removed by him when he deems it for the best interest of the city. [1889 c. 326 s. 36; Ann. Stats. 1889 s. 925g sub. 36; 1893 c. 312 s. 18; Stats. 1898 s. 925—36]

CHAPTER VI—OFFICERS, THEIR POWERS AND DUTIES.

Mayor of city of first class. SECTION 925—37. In cities of the first class the mayor shall be the chief executive officer, the head of the fire department and of the police. He shall take care that the laws of the state and the ordinances of the city are observed

and enforced and that all officers of the city discharge their respective duties. He shall from time to time give the council such information and recommend such measures as he may deem advantageous to the city. Except as otherwise provided he shall appoint all policemen, and in case of a riot or other disturbance he may appoint as many special policemen as he may deem necessary. He shall have power to sign or veto any ordinance passed by the council. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money or creating a debt or liability he shall communicate his objections in writing to the council within three days (Sundays and legal holidays excepted) after such law, ordinance, rule, regulation or resolution is submitted for his approval. If upon the return of such veto message three-fourths of the common council elect vote for the passage of such ordinance, rule, regulation, claim or resolution the same shall be considered legally passed notwithstanding such objections. [1889 c. 326 s. 37; Ann. Stats. 1889 s. 925h sub. 37; Stats. 1898 s. 925—37]

Mayors of cities of other classes. SECTION 925—38. In cities of the second, third and fourth classes the mayor shall be the chief executive officer and head of the fire and of the police departments; he shall take care that the laws of the state and the ordinances of the city are observed and enforced and that all officers of the city discharge their respective duties. He shall from time to time give the council such information and recommend such measures as he may deem advantageous to the city. When present he shall preside at the meetings of the council; he shall sign all agreements, contracts, licenses and permits granted by the council and approve or otherwise act upon all claims allowed by it; he shall appoint all policemen and may, in case of a riot or other emergency, appoint as many special policemen as may be necessary. He shall have the veto power. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money or creating a debt or liability he shall file with the city clerk his objections in writing within five days after such ordinance, rule, regulation, claim or resolution is submitted to him for approval, such objections to be presented to the council at its next meeting. If upon the return of such veto message three-fourths of all the members of the common council vote for the passage of such ordinance, rule, regulation, claim or resolution the same shall be considered legally passed notwithstanding such objections. [1889 c. 326 s. 38; Ann. Stats. 1889 s. 925h sub. 38; 1893 c. 312 s. 16; Stats. 1898 s. 925—38]

President of council; election; acting mayor. SECTION 925—38a. In cities of the first class the council at its first meeting after its organization biennially shall choose from their number a president, by a viva voce vote upon a roll call, who shall preside over the meetings of the common council during two years. The vote by which a president of the council is elected shall be entered upon the minutes of the proceedings of the council. No election shall be valid unless the vote is so entered. In case of a vacancy in the office of mayor, or during his absence or inability from any cause to perform the duties of his office, the president of the council shall have and exercise all the powers and discharge all the duties of mayor until he shall resume his office or the vacancy be filled by an election. When so acting such president shall be styled "acting mayor," but as acting mayor he shall not have authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant or other proceeding whatsoever which the mayor has refused to sign and communicated his refusal to the council. [1907 c. 190]

Confirmation of appointments. SECTION 925—38b. The appointments to public office by the mayor of all cities shall be subject to confirmation by the common council, unless otherwise provided by law. An appointee to any office rejected by the common council shall be ineligible for appointment to the same office for one year thereafter. [1907 c. 193]

Vacancy in first class. SECTION 925—39. In cities of the first class the council at its first meeting after its organization in each year shall choose from their number a president, who shall preside over their meetings during the ensuing year. In case of a vacancy in the office of mayor, or during his absence or inability from any cause to perform the duties of his office, the president of the council shall have and exercise all the powers and discharge all the duties of mayor until he shall resume his office or the vacancy be filled by an election. When so acting such president shall be styled "acting mayor;" but as acting mayor he shall not have authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant or other proceeding whatever which the mayor has refused to sign and communicated his refusal to the council. [1889 c. 326 s. 39; Ann. Stats. 1889 s. 925h sub. 39; Stats. 1898 s. 925—39]

Same in other classes. SECTION 925—40. In cities of the second, third and fourth classes the council at its first meeting after organization in each year shall choose from its number a president, who, in the absence of the mayor, shall preside at all meetings of such council, and during the absence or inability of the mayor to discharge the duties

of his office shall exercise all the power and discharge all the duties of the mayor. The president, while presiding at meetings of the council or performing the duties of the mayor, shall be styled "acting mayor," and any act performed by him in such capacity shall have the same force and effect as if performed by the mayor; but such president as acting mayor shall have no authority to sign or approve any ordinance, rule, regulation, claim, resolution, warrant or other proceeding whatever which the mayor has refused to sign and communicated such refusal to the council. [1889 c. 326 s. 40; *Ann. Stats.*, 1889 s. 925h sub. 10; 1895 c. 316 s. 3; *Stats.*, 1898 s. 925—10]

Vacancies in office of mayor and alderman. SECTION 925—40m. In cities of the second, third, and fourth classes where a vacancy shall occur in the office of mayor or alderman by reason of death, resignation, permanent removal from the city or ward, or other cause, the council shall forthwith proceed to fill such vacancy by the election of a qualified elector of the said city to hold such office until a successor shall be elected and qualified. Such successor shall be chosen at the next municipal election. [1907 c. 12; 1909 c. 103; 1911 c. 58]

CHAPTER IX—THE POLICE COURT.

Effect of section; police justice. SECTION 925—61. 1. In every city which shall adopt this chapter for its government, and which shall at the time of such adoption, have a court or judge, by whatsoever name or title such court or judge shall be called, having the jurisdiction herein conferred upon police courts, the jurisdiction and procedure of such court or judge shall continue unaffected by this chapter until such court or the office of such judge shall be abolished, and in the meantime no police justice shall be elected and no police court established in such city under this chapter. In every other city governed by this chapter a police justice shall be elected every fourth year as other city officers are elected; his term of office shall commence the first day of May, succeeding his election, and continue for four years and until his successor shall have qualified; vacancies in the office of police justice shall be filled at the municipal election occurring next after the creation of such vacancy, but when a vacancy exists the mayor shall appoint a police justice, who shall hold his office until the vacancy shall be filled by election; provided, that in cities of the third and fourth classes the council may, by ordinance, abolish the police court therein, and thereupon the jurisdiction herein conferred upon such court shall be exercised by the municipal court or courts of the city or county located in such city, if there be any such, and if there be none, then by the justices of the peace of the city.

2. Any city which has, or may hereafter abolish, the police court therein may by ordinance re-establish such court, and it shall then exist as though it had never been abolished. When the police court shall have been thus re-established, a police justice shall be elected at the next municipal election, but the mayor may appoint a police justice, who shall hold his office until a police justice shall have been elected and shall have qualified. [1889 c. 326 s. 61; *Ann. Stats.*, 1889 s. 925k sub. 61; 1895 c. 316 s. 4; *Stats.*, 1898 s. 925—61; 1905 c. 223 s. 1; *Supl.*, 1906 s. 925—61; 1907 c. 118; 1911 c. 356]

Canvass of votes. SECTION 925—268. The council of each city shall meet, on or before the second Tuesday of April in each year, and proceed to canvass and declare the result of the annual municipal election. [1889 c. 326 s. 268; *Ann. Stats.*, 1889 s. 925r sub. 268; *Stats.*, 1898 s. 925—268]

Cities first class; justice of peace; election; term; salary; fees. SECTION 1. In every city of the first class there shall be elected but one justice of the peace, who shall hold his office for the term of two years and until his successor is elected and qualified. He shall receive an annual salary of six hundred dollars, payable monthly as city officers are paid. All fees received by such justice, in any action or proceeding instituted before him, shall be paid into the city treasury. Such justice shall be entitled to retain fees derived from sources other than actions and proceedings. [1911 c. 168]

Cities first class; half holiday primaries and elections. SECTION 1. 1. In every city of the first class, the day on which any primary, regular, municipal or general election shall be held in each year is a legal holiday, after twelve o'clock M., and no employer of labor shall ask or require any employe to do any manner of labor or work on any such half holiday, except only works of necessity or charity.

Penalty. 2. Any person who shall violate any provision of this act shall be punished by a fine of not exceeding twenty-five dollars. [1911 c. 515]

Special elections, city and village; procedure. SECTION 926—31. Whenever any question is to be submitted to the voters of any city or village the common council of such city or the village board of such village shall issue a call for such election in accordance

with the law authorizing such submission. Unless otherwise provided by such law, notice of such election shall be given and the election shall be held and conducted by the inspectors and clerks of election in the same manner and the returns thereof shall be made in the same form and manner as in the case of general municipal elections. [1907 c. 531]

VOTING BOOTHS.

Polling places. SECTION 926—132. The common council of every city of the fourth class may provide at the city hall or in some building centrally located in such city, separate rooms with separate outside entrances thereto, upon which shall be conspicuously marked the respective numbers of the wards for which the same are intended to be used, and designate the same as polling places respectively for the respective wards of such city, and all elections in and for each of the wards of such city for which polling places are so designated in the city hall shall be held at the places so designated. Polling places located as provided above, may be designated by the common council no later than ten days before any election at which such rooms are to be used as such polling places. [1901 c. 61 s. 1; Supl. 1906 s. 926—132; 1907 c. 118; 1911 c. 326]

Central polling place. SECTION 926—133. In cities of the fourth class, having a population, according to the last federal census, of five thousand or less, the common council may provide that all primary and other elections shall be held at a central polling place, consisting of a single room in the city hall or in some building centrally located in such city, and all elections in and for each of the wards of such city shall be held at the place so designated. There shall be provided for use, and shall be used at such polling place, one ballot box for each ward in such city, and such ballot boxes shall be numbered according to wards. The inspectors of election shall deposit the ballot of the voters of any ward in the ballot box provided for such ward. At such polling place all primary and other elections shall be conducted by three inspectors of election, two clerks of election, and two ballot clerks, to be appointed as now provided by law, who shall conduct the election for all wards according to law. Such election officials shall make separate election returns for each ward. [1901 c. 61 s. 1; Supl. 1906 s. 926—133; 1907 c. 118; 1911 c. 326]

Sale on Sunday and election day. SECTION 1564. If any tavern keeper or other person shall sell, give away or barter any intoxicating liquors on the first day of the week, commonly called Sunday, or on the day of the annual town meeting or the biennial fall election, special election, or primary election, such tavern keeper or other person so offending shall be punished by a fine of not less than five nor more than twenty-five dollars, or by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment. [1859 c. 115; 1861 c. 278; R. S. 1878 s. 1564; Ann. Stats. 1889 s. 1564; Stats. 1898 s. 1564; 1913 c. 61]

COUNTY JUDGES.

County judges; election; term. SECTION 2441. 1. There shall be a general election of county judge in each county on the first Tuesday in April, 1913, and every sixth year thereafter. The term of office of county judge shall be six years, commencing on the first Monday in January after such election.

Vacancy; eligibility; new county; exception. 2. When a vacancy shall occur in the office of county judge or there shall be no person qualified to take the office at the commencement of a term, the governor shall appoint such judge, and the person so appointed shall hold until the first Monday of June next succeeding an election to fill such vacancy; but when no election to fill such vacancy is held then such appointment shall be for the residue of the term; and where any county judge shall be elected in a newly organized county the judge first elected shall hold his office until the first Monday of January following the first general election for county judges thereafter. No person shall be eligible to the office of county judge who shall not, at the time of his election or appointment thereto, be an attorney of a court of record; provided, that the foregoing provision as to qualifications shall not apply to any county having a population of less than twenty-five thousand inhabitants according to the last official census preceding such election and further that it shall not disqualify any person who held such office in this state on or before the first day of July, 1907.

Removal. 3. Every county judge may be removed from office by address in the manner provided in the constitution for the removal of justices of the supreme court or judges of the circuit courts. [R. S. 1849 c. 86 s. 30; R. S. 1858 c. 117 s. 58; 1867 c. 70; R. S. 1878 s. 2441; Ann. Stats. 1889 s. 2441; Stats. 1898 s. 2441; 1899 c. 7 s. 2; 1905 c. 91; 301; Supl. 1906 s. 2441; 1907 c. 118, 660; 1909 c. 97; 1913 c. 36]

ADMINISTERING OATHS.

Who may administer. SECTION 4080. An oath or affidavit required or authorized by law, except oaths to jurors and witnesses on a trial and such other oaths as are required by law to be taken before particular officers, may be taken before any judge, court commissioner, including resident commissioners of the United States courts who have complied with section 2216, clerk of a court of record, notary public, town clerk, village clerk, clerk of a city organized under the general law, justice of the peace, police justice or county clerk, within the territory in which such officer is authorized to act; and when certified by such officer to have been taken before him may be read and used in any court of record, or not of record, and before any officer, judicial, executive or administrative. Oaths may be administered by any member of a committee mentioned in subdivision 3 of section 4053 to any witness examined before such committee. [*R. S. 1849 c. 99 s. 1; R. S. 1858 c. 137 s. 108; 1860 c. 125 s. 1; R. S. 1878 s. 4050; 1880 c. 9; Ann. Stats. 1889 s. 2316a, 4080; 1893 c. 312 s. 20; Stats. 1898 s. 4080; 1901 c. 145 s. 1; Supl. 1906 s. 4080*]

Election oaths. SECTION 4080m. It shall be the duty of every person authorized by law to administer oaths to administer and certify on demand any official oath and any oath required on any nomination paper, petition, or other instrument used in the nomination or election of any candidate for public office or in the submission of any question to a vote of the people. [*1911 c. 537*]

Oath, how taken. SECTION 4081. In all cases in which an oath or affidavit is required or authorized by law the same may be taken in any of the usual forms, and every person swearing, affirming or declaring in any such form shall be deemed to have been lawfully sworn and to be guilty of perjury for corruptly or falsely swearing, affirming or declaring in such form. [*R. S. 1849 c. 99 s. 6; R. S. 1858 c. 137 s. 113; R. S. 1878 s. 4081; Ann. Stats. 1889 s. 4081; Stats. 1898 s. 4081*]

Affirmations. SECTION 4084. Every person who shall declare that he has conscientious scruples against taking the oath, or swearing in the usual form, shall make his solemn declaration or affirmation. [*R. S. 1849 c. 99 s. 2; R. S. 1858 c. 137 s. 109; R. S. 1878 s. 4084; Ann. Stats. 1889 s. 4084; Stats. 1898 s. 4084; 1903 c. 151 s. 2; Supl. 1906 s. 4084; 1907 c. 118*]

Capacity of infants, etc. SECTION 4085. The court before whom an infant or person apparently of weak intellect shall be produced as a witness may examine such person to ascertain his capacity and whether he understands the nature and obligations of an oath. [*R. S. 1849 c. 99 s. 5; R. S. 1858 c. 137 s. 112; R. S. 1878 s. 4085; Ann. Stats. 1889 s. 4085; Stats. 1898 s. 4085*]

Publishing legal notices; qualifications of dailies; Milwaukee. SECTION 4270a. All publishers of daily newspapers, printed in whole or in part, in a printing office at the place where such daily newspaper purports to be published in any county, or in any city of the third or fourth class, in the state of Wisconsin, shall not be awarded or be entitled to any compensation or fee for the publishing of any election notice, nomination ticket, summons, order, citation, notice of sale or other notice, and every other advertisement of any description required to be published by law, or in pursuance of any law, or of any order of any court, unless such daily newspaper shall have a bona fide circulation to actual subscribers of not less than three hundred copies per day, and shall have been regularly and continuously published in such county or in such city of the third or fourth class at least six days in each calendar week, holidays excepted, for at least two years immediately before the date of such notices. Provided, that in cities of the first and second class and in counties with a population of over two hundred and fifty thousand inhabitants, all printing and publications done for such cities or counties under contract shall not be awarded to the publisher of any daily newspaper nor shall the same be entitled to any compensation or fee, unless such daily newspaper in cities of the first and second class, and in the aforesaid counties, shall have a bona fide circulation to actual paying subscribers in a number not less than five per centum of the number of registered votes in such city or such county at the last registration prior to the last general election in such city, or county, respectively, and unless each such newspaper in said counties and in cities of the first and second class, shall have been regularly and continuously published in such county or such city each day, Sundays and holidays excepted, for at least two years immediately before the date of such notices. [*1899 c. 319 s. 1; 1903 c. 78 s. 1; Supl. 1906 s. 4270a; 1907 c. 118*]

At elections. SECTION 4478. The following persons shall be deemed guilty of bribery at elections:

(1) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or offer, promise or promise to procure

or endeavor to procure any money or valuable consideration, to or for any voter, to or for any person on behalf of any voter, or to or for any other person in order to induce any voter to vote or refrain from voting, or do any such act as aforesaid, corruptly, on account of such voter having voted or refrained from voting at any election.

(2) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise or endeavor to procure any office, place of employment, public or private, to or for any voter, or to or for any person on behalf of any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or do any such act as aforesaid, corruptly, on account of any voter having voted or refrained from voting at any election.

(3) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person in order to induce such person to procure or endeavor to procure the election of any person to a public office, or the vote of any voter at any election.

(4) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procure, or engage, promise or endeavor to procure the election of any person to a public office or the vote of any voter at any election.

(5) Every person who shall advance or pay or cause to be paid any money to or for the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money wholly or in part expended in bribery at any election.

And any person so offending shall be punished by imprisonment in the state prison for a term of not less than six months nor more than two years; provided, that the foregoing shall not be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses authorized by law and bona fide incurred at or concerning any election. [1875 c. 56; R. S. 1878 s. 4478; Ann. Stats. 1889 s. 4478; 1897 c. 358 s. 1; Stats. 1898 s. 4478]

Same subject. SECTION 4478a. The following persons shall also be deemed guilty of bribery at elections:

(1) Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree or contract for any money, gift, loan or valuable consideration, office, place of employment, public or private, for himself or for any other person for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any election.

(2) Every person who shall, after any election, directly or indirectly, by himself or by any other person in his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting at any election; and any voter or other person so offending shall be punished by imprisonment in the county jail not less than one month nor more than one year. [1897 c. 358 s. 2; Stats. 1898s. 4478a]

At conventions, etc. SECTION 4479. Any person being or seeking to be a candidate for any office at any election authorized by law who shall give or promise to give to any elector or other person any money or thing of value or any pecuniary advantage or benefit, for the purpose of inducing or influencing such elector or other person to vote for him in any convention or meeting of the people held for the purpose of nominating any person or persons to be voted for at any such election, to make him the nominee of any such convention or meeting and the candidate to be voted for for any office at such election, or who shall so give or promise any such thing to any such person for the purpose of inducing or influencing any person to sign any nomination paper which seeks to have him nominated as a candidate for any office to be so voted for; and any such elector or other person who shall ask, solicit or receive any money or thing of value or any pecuniary advantage or benefit from such candidate as a consideration or inducement for his vote at any such convention or meeting of the people, or his signature to any such paper, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding five hundred dollars. [1875 c. 56; R. S. 1878 s. 4479; Ann. Stats. 1889 s. 4479; Stats. 1898 s. 4479]

Political contributions by corporations prohibited. SECTION 4479a. No corporation doing business in this state, shall pay or contribute, or offer, consent or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employes or thing of value to any political party, organization, committee or individual for any political purpose whatsoever, or for the purpose of influencing legislation of any kind, or to promote or defeat the candidacy of any person for nomination, appointment or election to any political office. [1905 c. 492 s. 1; Supl. 1906 s. 4479a; 1907 c. 118]

Penalty. SECTION 4479b. Any officer, employe, agent or attorney or other representative of any corporation, acting for and in behalf of such corporation, who shall violate sections 4479a to 4479e, inclusive, shall be punished upon conviction by a fine of not less than one hundred nor more than five thousand dollars, or by imprisonment in the state prison for a period of not less than one nor more than five years, or by both such fine and imprisonment in the discretion of the court or judge before whom such conviction is had and if the corporation shall be subject to a penalty then by forfeiture in double the amount of any fine so imposed to be collected as other actions by forfeiture are collected and if a domestic corporation, it may be dissolved, if after a proper proceeding upon quo warranto, in either the circuit or supreme court of the state to be prosecuted by the attorney-general of the state, the court shall find and give judgment that section 4479a has been violated as charged, and if a foreign or nonresident corporation, its right to do business in this state may be declared forfeited. [1905 c. 492 s. 2; Supl. 1906 s. 4479b; 1907 c. 118; 1911 c. 663 s. 462]

Fines and forfeitures; district attorney. SECTION 4479c. The violation of sections 4479a to 4479e, inclusive, by any officer, employe, agent, attorney or other representative of a corporation, shall be prima facie evidence of said violation by such corporation. All fines or forfeitures recovered under any of the provisions of sections 4479a to 4479e, inclusive, shall, when collected, be paid into the proper treasury of the county for the use of the school fund, and it is hereby made the duty of the district attorney of each county to conduct prosecutions under sections 4479a to 4479e, inclusive, upon complaint as in other actions. [1905 c. 492 s. 3; Supl. 1906 s. 4479c; 1907 c. 118; 1911 c. 663 s. 461]

A felony to aid, advise or abet violations. SECTION 4479d. Any person or persons who shall aid, abet or advise a violation of sections 4479a to 4479e, inclusive, shall be guilty of a felony and upon conviction shall be punished as in section 4479a. [1905 c. 492 s. 4; Supl. 1906 s. 4479d; 1907 c. 118; 1911 c. 663 s. 462]

Place of trial. SECTION 4479e. Violations of sections 4479a to 4479e, inclusive, may be prosecuted in the county where such payment or contribution is made or services rendered or in any county wherein such money has been paid or distributed. [1905 c. 492 s. 5; Supl. 1906 s. 4479e; 1907 c. 118; 1911 c. 663 s. 461]

Use of threats, etc., on elector. SECTION 4480. Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence or restraint in order to induce or compel any person to vote or refrain from voting at any election, or who shall, by abduction, duress or any fraudulent device or contrivance, impede or prevent the free exercise of the franchise at any election, or shall thereby compel, induce or prevail upon any elector either to give or refrain from giving his vote at any election for or against any particular candidate or measure, shall be punished by imprisonment in the county jail not less than one month nor more than one year. [1875 c. 56; R. S. 1878 s. 1180; Ann. Stats. 1889 s. 1180; 1897 c. 358 s. 3; Stats. 1898 s. 1180]

Office obtained by bribery vacant. SECTION 4481. Any person who shall obtain any office by bribery or shall have been elected to any office at any election, at which election he shall have induced or procured any elector to vote for him for such office by bribery, shall be disqualified from holding said office, and he shall be ousted therefrom, and said office shall be deemed and held vacant, to be filled by election or appointment as other vacancies, according to law. [1875 c. 56; R. S. 1878 s. 1181; Ann. Stats. 1889 s. 1181; Stats. 1898 s. 1181]

CAUCUSES AND ELECTIONS.

Illegal voting, etc., at caucus. SECTION 4542a. Any person who shall vote or offer to vote more than once in any one caucus, or at any caucus held in any caucus district in which he shall not at the time be a resident and duly qualified elector, or in any caucus where candidates and delegates are to be chosen, if he has already voted at the caucus of any other political party for candidates to be voted for or for delegates to be chosen in a convention to nominate candidates to be voted for at the next ensuing election, or who shall print, distribute or offer to distribute any caucus tickets or ballots to be voted for at such caucus, or shall print or distribute sample ballots or remove from any booth or place where a caucus is held any tickets for candidates or persons to be voted for, shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not less than two months nor more than six months, or by both such fine and imprisonment. [1897 c. 312 s. 9; Stats. 1898 s. 4542a]

Bribery in connection with caucus. SECTION 4542b. Every person who, by bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from at

tending or voting at any preliminary meeting or caucus mentioned in sections 11a to 11i or who shall give or offer to give any valuable thing or bribe to any officer, inspector or delegate whose office is therein created, or who shall give or offer to give any valuable thing or bribe to an elector as a consideration for some act to be done in relation to such preliminary meeting, caucus or convention, or who shall interfere with or in any manner disturb any preliminary meeting, caucus or convention held under said provisions shall be punished as provided in section 4542a. [1897 c. 312 s. 10; Stats. 1898 s. 4542b]

Violation of caucus law. SECTION 4542c. If any person shall be convicted of a violation of any of the provisions of sections 11a to 11i, inclusive, for which no other punishment is provided, he shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not less than two months nor more than six months, or by both such fine and imprisonment. [1897 c. 312 s. 12; Stats. 1898 s. 4542c]

Illegal voting; fraudulent registration. SECTION 4543. Any person who shall vote at any general or special election, town meeting or election, school meeting or election, city, village or charter election, not having the requisite qualifications and residence as a legal voter, or having no right to vote by reason of disfranchisement or other disqualification at the time and place of such election, or who shall cause or procure his registration by any board of registry as a legal voter in any election district, when he shall not at the time have the requisite qualifications to entitle him to be registered in such district, or who shall wilfully make any false statement not under oath to the inspectors of any election or to any board of registry when offering to vote or to be registered as a voter in any election district in respect to his qualifications or residence as a voter in such district, or who shall cause or procure his name to be registered as a voter in more than one election district for one and the same election, or who shall falsely personate another person registered as a voter in any election district, or who shall vote more than once at the same election, or who shall procure, aid, assist, counsel or advise another to do any act hereinbefore specified shall be punished by imprisonment in the state prison not more than three years nor less than one year or in the county jail not more than one year, or by fine not exceeding two hundred dollars. It shall be the duty of the election board to post a copy of this law in a conspicuous place in the election booth prior to the holding of said election. [1857 c. 85 s. 4-7, 10; R. S. 1858 c. 169 s. 30-33, 36, 46; 1861 c. 415 s. 8, 11; 1877 c. 261 s. 8, 9, 11; R. S. 1878 s. 4543; Ann. Stats. 1889 s. 4543; Stats. 1898 s. 4543; 1905 c. 313 s. 1; Supl. 1906 s. 4543; 1907 c. 118]

Personation of elector. SECTION 4543a. A person shall, for all purposes of this section, be deemed guilty of the offense of personation who, at any election held pursuant to the laws of this state, applies for a ballot paper in the name of some other person, whether that name be of a person living or dead, or of a fictitious person, or who, having voted once at any election, applies at the same election for a ballot paper in his own name or any other name; and any person who commits the offense of personation or who aids, abets, counsels or procures the commission of that offense shall be punished by imprisonment in the state prison for a term of not less than two years nor more than five years. [1897 c. 358 s. 1; Stats. 1898 s. 4543a]

Contributions to aid nomination, etc., of legislators. SECTION 4543b. No person shall, directly or indirectly, give, subscribe, promise or pay or agree to pay any sum of money or thing of value to procure or aid in procuring the nomination or election of any person to the senate or assembly of this state unless the person so making such subscription, promise, payment or agreement is a citizen or bona fide resident of the district in which such other person is or seeks to be chosen, voted for or elected; provided, that this provision shall not apply to the payment by any person participating in a campaign of his own personal expenses therein nor to the promise or payment, otherwise lawful, of any sum to any political committee in the state or in any district or region thereof, of which the promisor or payor is a citizen or resident, for general lawful purposes and without any agreement or understanding, express or implied, that it be used or applied to the procuring of the nomination or election of any person or persons in particular to said senate or assembly. Any person offending against the provisions of this section shall be punished by imprisonment in the county jail not less than one month nor more than one year. [1897 c. 358 s. 5; Stats. 1898 s. 4543b]

Accounts of expenditures by candidates. SECTION 4543c. Every person who shall be a candidate before any convention or at any primary or election to fill an office for which a nomination paper or certificate of nomination may be filed, shall within thirty days after the election held to fill such office, make out and file with the officer empowered by law to issue the certificate of election to such office or place, a statement in

writing, subscribed and sworn to by such candidate, setting forth in detail each item in excess of five dollars in money or property contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief, by any other person or persons for him or in his behalf, wholly or in part, in endeavoring to secure or in any way in connection with his nomination or election to such office or place, or in connection with the election of any other person at said election, the dates when, and the persons to whom, and the purpose for which all said sums were paid, expended or promised, and the total aggregate sum paid, expended or promised by such candidate in any sum or sums whatever. Such statement shall also set forth that the same is as full and explicit as affiant is able to make it. An exact duplicate of such statement shall in like manner and within the same time be filed with the register of deeds for the county in which such candidate resides. Any person failing to comply with this section shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars. [1897 c. 358 s. 6, 7; Stats. 1898 s. 4543c; 1905 c. 502 s. 1; Supl. 1906 s. 4543c; 1907 c. 118]

Blanks for statement; publishing list of those in default. SECTION 4543c—1. It is hereby made the duty of every officer empowered by law to issue certificates of election, or with whom nomination papers for any primary or election or certificates of nomination for any election are required to be filed, within five days after the holding of an election to fill any office, to forward to all candidates for whom nomination papers or certificates of nomination shall have been filed for such election, or the primary preceding the same, duplicate blanks for making the statement required by the preceding section. Upon the expiration of sixty days from the time of holding any election, each such officer shall make out a list of all candidates who shall have failed to file with him the statement required by the preceding section, duplicates of which statement shall forthwith be transmitted by him to the district attorney and the county clerk of the county within which such candidate resides. Such county clerk shall at the expense of the county cause such list to be published at least once in the official county paper, and also provide the blanks required by this section. The persons mentioned in section 4080 shall upon demand administer any oath required by the preceding section and certify thereto without charge. Any person failing to comply with this section shall be punished by a fine of not less than twenty-five dollars or more than five hundred dollars. It shall be the duty of the district attorney to examine all statements filed and institute prosecutions for the violation of this and the preceding section. [1905 c. 502 s. 2; Supl. 1906 s. 4543c—1; 1907 c. 118; 1911 c. 663 s. 471]

Disbursements by committees. SECTION 4543d. Every two or more persons who shall be elected, appointed or chosen by a political convention or caucus for the purpose, wholly or in part, of raising, collecting or disbursing money or of controlling or directing the raising, collection or disbursement of money for election purposes, and shall undertake such duty, shall be deemed a political committee within the meaning of this and the three following sections. Every such committee shall appoint and constantly maintain a treasurer to receive, keep and disburse all sums of money which may be collected, received or disbursed by such committee or by any of its members for any of the purposes mentioned in this section for which such committee exists or acts. Every member of such committee who shall keep or disburse any money collected or received for the purposes herein mentioned, without the same having been first paid and made to pass through the hands of such treasurer, or who shall fail to pay over to such treasurer all money received or collected by him for such purposes shall be punished by imprisonment in the county jail for not less than two months nor more than six months. [1897 c. 358 s. 8, 9; Stats. 1898 s. 4543d]

Treasurer's accounts. SECTION 4543e. Every treasurer of a political committee and every person who shall at any time act as such treasurer shall, whenever he receives or disburses money as such treasurer or for or on account of any of the objects or purposes mentioned in section 4543d, immediately enter and thereafter keep in a proper book or books to be provided and preserved by him a full, true and detailed statement and account of each and every sum of money so received by him, setting forth in such statement the sum so received or disbursed, as the case may be, and the date when and the person from whom received and to whom paid, and the object and purpose for which the sum was received or disbursed. [1897 c. 358 s. 10; Stats. 1898 s. 4543e]

Statement of accounts. SECTION 4543f. Every treasurer of a political committee and every person who shall act as such treasurer shall, within thirty days after each and every election, whether state, county, city, municipal, township or district, in or concerning or in connection with which he shall have received or disbursed any money for any of the objects or purposes mentioned in section 4543d, prepare and file in the

office of the register of deeds of the county in which such treasurer or person lives a full, true and detailed account and statement, subscribed and sworn to by him, setting forth each and every sum of money received or disbursed by him for any of the objects or purposes mentioned in said section, within the period of ninety days before such election and ending on the day on which such statement is filed, the date of each receipt and of each disbursement, the name of the person to whom paid, and the object or purpose for which the same was disbursed. Such statement shall also set forth the unpaid debts and obligations, if any, of such committee, with the nature and amount of each and to whom owing, in detail; and if there are no unpaid debts or obligations of such committee such statement shall state such fact. Such register of deeds shall receive and file in his office and keep there for one year after they are filed all statements and accounts so required to be filed with him, and they shall at all reasonable times be open to public inspection. After one year succeeding the filing of such statements and accounts they shall be destroyed by such officer or his successor. [1897 c. 358 s. 11, 12; Stats. 1898 s. 4543f]

Penalty. SECTION 4543g. Every treasurer of a political committee who shall either:

(1) Neglect or fail to keep a correct book or books of account setting forth all the details required to be set forth in the account and statement contemplated in the foregoing sections, with intent to conceal the receipt or disbursement of any sum received or disbursed by him or any other person, or the purpose or object for which the same was received or disbursed by him or any other person, or the purpose or object for which the same was received or disbursed, or to conceal the fact that there is any unpaid debt or obligation of such treasurer or committee, or the nature or amount thereof, or to whom owing, in detail; or,

(2) Mutilate, deface or destroy any such book or books of account, with intent to conceal any fact disclosed by such book or books; or,

(3) Fail to file the statement and account contemplated by section 4543f, if due, within five days after he shall receive notice in writing signed by five resident freeholders of the county in which such treasurer or political committee or person resides, requesting him to file such statement and account, shall be imprisoned in the county jail for not less than two or more than six months. [1897 c. 358 s. 14; Stats. 1898 s. 4543g]

Fraudulent canvass of votes. SECTION 4544. Any member of a board of canvassers of votes cast at any election who shall knowingly make or assist in making any untrue or false statement or canvass of such votes or any false certificate thereof, or who shall wilfully alter or destroy any statement or canvass of such votes or certificate thereof truly made after the same is made, or any return, statement, canvass or certificate of such votes made to such board of canvassers, or any member of the state board of canvassers of votes cast at any election who shall make or assist in making any canvass or statement of such votes, or sign or make or assist in making any certificate of the correctness thereof which shall include or contain any votes or statement or return of votes in the form of additional or supplemental returns, or who shall count, canvass or consider any such additional or supplemental returns in determining the result of any election shall be punished by imprisonment in the state prison not more than three years nor less than one year, or in the county jail not more than one year, or by fine not exceeding five hundred dollars. [1857 c. 85 s. 26; R. S. 1858 c. 7 s. 114; R. S. 1858 c. 169 s. 41; R. S. 1878 s. 4544; Ann. Stats. 1889 s. 4541; Stats. 1898 s. 4541]

Fraud as to nomination papers, ballots, etc. SECTION 4544a. Any person who shall falsely make, or make oath to, or fraudulently deface or fraudulently destroy any certificate of nomination or nomination paper or any part thereof, or file or receive for filing any certificate of nomination or nomination paper knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination which has been duly filed or any part thereof, or forge or falsely make the official indorsement on any ballot, or wrongly print or cause to be printed, with intent to change the result of the election as to any candidate or nominee, any official ballot, or any ballot clerk who shall deliver to a voter a ballot bearing a mark opposite the name of a candidate made with a pencil or ink, that might be counted as a vote for such candidate, shall be punished by imprisonment in the state prison not more than three years nor less than one year. [1893 c. 288 s. 120; Stats. 1898 s. 4544a]

Neglect by election officers. SECTION 4544b. Any public officer who shall wilfully fail or neglect to perform any duty imposed upon him by the provisions of title two of these statutes relating to elections, or knowingly make any false certificate in respect to such duty, or to any matter which he may be required by law to certify to officially, shall be punished by imprisonment in the county jail not exceeding nine

months nor less than three months or by fine of not more than five hundred dollars nor less than two hundred dollars. [1893 c. 288 s. 121; Stats. 1898 s. 4544b]

Neglect to deliver ballots; removal of supplies. SECTION 4544c. Any person who shall undertake to deliver the official ballots prepared for any election to any clerk or inspector of election, or who shall wilfully or negligently fail to deliver the same or cause their delivery within the time required by law, or who, having charge of such ballots, shall destroy or conceal them, and any person who shall remove or destroy any of the supplies or conveniences placed in the shelves or compartments or polling booths for the purpose of enabling voters to prepare their ballots, shall be punished by imprisonment in the county jail not more than six months nor less than three months or by fine not exceeding three hundred dollars nor less than one hundred dollars. [1893 c. 288 s. 122; Stats. 1898 s. 4544c]

Electioneering; marking ballot, etc. SECTION 4544d. No officer of any election held under the provisions of title two of these statutes shall engage in electioneering on the day on which any such election is held, nor shall any person solicit votes for any candidate or party or engage in any electioneering whatever on the day of any such election within one hundred feet of any polling place, nor remove any ballot from any polling place before the polls are closed, nor show his ballot after it is marked to any person in such a way as to reveal the mark or marks made thereon, nor solicit any person to so show his ballot. No person except an inspector of election shall receive from any voter a ballot that has been prepared for voting; nor shall any voter receive a ballot from any other person than one of the ballot clerks in charge of the ballots, nor shall any other person than such clerks deliver a ballot to any voter; no voter shall vote or offer to vote any ballot except it has been received from one of the ballot clerks, nor shall he place any mark upon his ballot by which it may be identified as the one he voted; and every voter who does not vote the ballot delivered to him by the ballot clerks shall, before leaving the polling place, return such ballot to such clerks or one of them. Whoever shall violate any of the provisions of this section shall be punished by imprisonment in the county jail not exceeding six months, or by fine of not more than three hundred dollars nor less than fifty dollars, or by both fine and imprisonment with the costs of prosecution. [1893 c. 288 s. 123; Stats. 1898 s. 4544d]

Neglect as to special matters. SECTION 4544e. Any officer whose duty it is to appoint inspectors of election, clerks of election or ballot clerks, who shall disobey the provisions of law requiring, when it is practicable to do so, the appointment thereof from opposing political parties; any officer required by law to provide election booths and compartments with doors, screens or curtains, who shall fail to provide and maintain the same; any election officer who shall take notice of the manner in which any elector shall mark his ballot, unless request be made to him to assist in doing so, or permit any other person to pry into or take notice of the same, and any officer who assists a voter at his request, or otherwise becomes aware of the manner in which a voter marked his ballot, or for whom he voted, and discloses the same to any other person, except in the course of judicial proceedings, shall be punished by imprisonment in the county jail not more than thirty days nor less than ten days, or by fine not exceeding one hundred dollars nor less than twenty-five dollars, or by both such fine and imprisonment. [1893 c. 288 s. 124; Stats. 1898 s. 4544e.]

Neglect to deliver statement. SECTION 4544f. Any person who shall accept from any board of election inspectors the statement of the canvass of the votes prepared by them for the delivery thereof to the proper town, city or village clerk as required by law, and who shall fail to deliver the same or cause its delivery to be made to the proper clerk within forty-eight hours after accepting the same for that purpose, without sufficient excuse for such failure, shall be punished as is provided in the last preceding section. [1893 c. 288 s. 125; Stats. 1898 s. 4544f]

Such neglect by officers and messengers. SECTION 4544g. Any chairman of any board of election inspectors, or any inspector appointed by him to deliver to any town, city or village clerk any statement of the result of the canvass of any votes made by such board or any duplicate of the same to be delivered to any county clerk, who shall fail or neglect to deliver such statement to the proper town, city or village clerk forthwith, or to deliver such duplicate statement to the proper county clerk within two days after the election as required by law; any messenger sent by any board of canvassers for election returns or with such returns for the correction thereof, who shall wilfully fail to perform that duty or who shall unlawfully keep back or fail to deliver any returns so intrusted to him, shall, in addition to any other punishment provided by law for withholding, suppressing, destroying or failing to deliver such returns, be punished by imprisonment in the county jail not more than thirty days nor less than ten days, or

by fine not exceeding fifty dollars nor less than twenty-five dollars, or by both such imprisonment and fine. [*1893 c. 288 s. 126; Stats. 1898 s. 4544*]

Neglect and fraud in conducting elections. SECTION 4545. Any inspector of elections who shall, after the polls are open to receive votes, put into any ballot box any vote, other than his own or the vote of another lawfully received, or who shall receive or consent to the reception of the vote of any person, knowing that such person has not the requisite qualifications and residence of a legal voter, or of any person who shall refuse to make the oath or affirmation required by law or to answer any proper question put to him in respect to his qualification or residence as a voter, or who shall refuse or wilfully neglect or sanction the refusal or wilful neglect of another inspector to put such proper questions or administer such oath or affirmation to any person offering to vote; or any member of a board of registry who shall register the name of any person as a legal voter in any election district or consent to such registration, knowing that such person has not the requisite qualifications to entitle him to be registered in such district, or when such person shall have refused to take the oath or affirmation required by law or to answer the questions put to him in respect to his qualifications to be registered in such district, or who shall refuse or wilfully neglect to put such questions or administer such oath or affirmation to such person; or any inspector or clerk of elections who shall knowingly make, assist in making or cause to be made any false statement or return of the votes cast at any election, or who shall wilfully alter or destroy any registration list, poll book or return of said votes, or who shall refuse or wilfully neglect to make any statement, canvass, certificate or return of said votes as required by law; or any inspector, member of any board of registry, member of any board of canvassers, or any officer or other person from whom any duty or service is required by law in respect to any election, who shall refuse or wilfully neglect to perform such duty or render such service, or who shall wilfully violate any provision of law or be guilty of any fraud in respect to any election shall be punished by imprisonment in the state prison not more than three years nor less than one year, or in the county jail not more than one year, or by fine not exceeding five hundred dollars, except as is otherwise provided in these statutes. [*R. S. 1849 c. 13 s. 2; 1857 c. 85 s. 21, 24, 25; R. S. 1858 c. 169 s. 40, 42, 43, 45; 1864 c. 415 s. 11; 1877 c. 264 s. 11; R. S. 1878 s. 4545; Ann. Stats. 1889 s. 4545; Stats. 1898 s. 4545*]

Election officers; additional penalty; disqualifications. SECTION 4545a. Any election officer who shall be convicted of any violation of the election laws, shall, in addition to the punishment otherwise provided by law, be disqualified to act as an election official for a term of five years from the time of said conviction. [*1909 c. 435*]

Deceiving elector. SECTION 4546. Any person who shall furnish an elector who cannot read with a ticket, informing him that it contains a name or names different from those which are written or printed thereon, with intent to induce him to vote contrary to his inclination, or who shall fraudulently or deceitfully change a ballot of any elector, by which such elector shall be prevented from voting for such candidate or candidates as he intended, or who shall fraudulently put any ballot or ticket into the ballot box shall be punished by imprisonment in the state prison not more than three years nor less than one year, or by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars. [*1857 c. 85 s. 12, 20; R. S. 1858 c. 169 s. 38, 39; R. S. 1878 s. 4546; Ann. Stats. 1889 s. 4546; Stats. 1898 s. 4546*]

Breaking the ballot box, etc. SECTION 4548. Any person not authorized by law who shall, during the progress of any election in this state or after the closing of the polls and before the ballots are counted and the result ascertained, break open or violate the seals or locks of any ballot box in which ballots have been deposited at such election, or who shall obtain unlawful possession of such ballot box containing such ballots, or shall conceal, withhold or destroy the same, or who shall wilfully, fraudulently or forcibly add to or diminish the number of ballots legally deposited in said ballot box, or any person who shall aid or abet in so doing shall be punished by imprisonment in the state prison not more than three years nor less than one year, or by fine not exceeding three thousand dollars nor less than one thousand dollars. [*R. S. 1858 c. 169 s. 48; R. S. 1878 s. 4548; Ann. Stats. 1889 s. 4548; Stats. 1898 s. 4548*]

ELECTION COMMISSIONERS.

Chapter 391, Laws of 1911 as amended by chapter 16, Special Session of 1912 and chapter 5, Laws of 1913.

Cities first class: election commissioners; appointment, qualifications, oath. SECTION

1. There is created a board of election commissioners for each city having more than one hundred thousand inhabitants, however incorporated, composed of three members, who shall be appointed as follows: The mayor of each said city shall appoint three members for terms of one, two and three years, respectively, dating from July 1st, in the year in which they are appointed, and until their successors are commissioned and qualified. Successors shall be appointed in like manner and their terms of office shall be three years in all cases and until their successors are commissioned and qualified. The board shall be composed of one member from each of the three dominant political parties, as shown by the returns of the last preceding general election, and appointments shall be made in accordance with this rule. The party affiliation in each case shall be attested by the respective chairmen of the city committees of the several political parties before such appointment shall be in force. The board shall choose its own chairman. In case of vacancy for any cause in said board, the same shall be filled by appointment of the mayor for the unexpired term. Such commissioners shall be legal voters, and residents of the state for at least five years, and of the city for a like period of time. They shall hold no other public office, the office of notary public excepted, and shall be ineligible to any other elective or appointive public office, while members of such board, and shall, before entering upon the duties of election commissioners, subscribe to an oath binding them to support the constitution of the United States and of the state of Wisconsin, and to conduct themselves faithfully and impartially in office; said oath of office to be filed in the office of the city clerk.

Secretary; supplies; seal; clerks. SECTION 2. 1. Said board of election commissioners shall have power to employ a secretary, who shall prepare and furnish copies of all registrations and all books, maps, instructions and blanks for the use and guidance of inspectors of election and ballot clerks and all rules and regulations pertaining to registration and conduct of elections, and who shall perform such other and further duties pertaining to their department or to the city clerk's office as may be required of him by the board of election commissioners, and he shall receive such salary as the common council may determine. The appointment and removal of such secretary shall be subject to the civil service laws of this state applicable to such cities.

2. The board may procure a seal with which to authenticate official papers and documents.

3. The board of election commissioners is authorized to employ such additional clerical assistants as shall be necessary from time to time, who shall receive such compensation as the common council shall determine.

Office rooms; funds. 4. The city shall furnish office room in the city hall for said commissioners and all expenses incurred by the board under this act shall be paid out of the city treasury, and the common council shall provide a sufficient fund for such commission in the budget as they deem necessary for the purposes provided by law. The expenses incurred by said board shall be paid upon the orders of said board, signed by the chairman and secretary, and countersigned by the city comptroller. Such orders shall be made payable to the order of the persons in whose favor they shall have been issued, and shall be the vouchers for the city treasurer for the payment of such orders.

First registration list. SECTION 3. After its first organization, such board of election commissioners shall prepare for a new and general registration of voters for the next following election; and when made, such registration shall be continued and revised in proper time for every succeeding election in the manner hereinafter provided.

Election inspectors; appointment, qualifications. SECTION 4. 1. Such board of election commissioners shall, on the first day of September of the year in which they are appointed, and on the same date biennially thereafter, appoint three qualified voters as inspectors of election for each precinct in said cities. They shall be citizens of the United States; shall be men of good repute and character; able to read and write the English language; be of good understanding and capable. They must have resided in the ward for which they are selected to act not less than one year prior to their appointment, and be entitled to vote therein at the next election, and not hold any other public office or employment, notary public excepted, and shall not be candidates for any public office while acting as such inspectors of election.

Ballot clerks. 2. The said board shall also appoint at the same time and for the same term, two ballot clerks in each precinct to serve at primary elections, who shall possess the same qualifications and serve under the same restrictions as the inspectors aforesaid.

Oath. 3. Before entering upon the duties of their offices, each inspector and ballot clerk so appointed shall subscribe to a like oath to that taken by the election commissioners, which shall be filed with the board of election commissioners and which shall be for the faithful performance of their duties during their entire term of office, and no further oath shall be required of them.

Term; duties. 4. Said inspectors and ballot clerks shall be appointed as provided in the preceding sections for terms of two years. Said inspectors shall, during said term, serve as inspectors at all elections in such cities, but said ballot clerks only when paper ballots are used.

Vacancies. 5. Where vacancy in the office of inspector or ballot clerk shall occur from any cause, said commissioners shall make an appointment as herein provided to fill such vacancy.

Party affiliation. 6. In each precinct not more than one of said inspectors, nor more than one of said ballot clerks, so nominated, shall be of the same political party, and such inspectors shall be chosen from the three dominant political parties as shown by the returns of the last preceding general election in such precincts, and such ballot clerks shall be chosen from the two dominant parties as shown by the returns of the last preceding general election in such precincts; the party affiliation, in contested cases, to be finally determined by the chairman of the city committee of the political party entitled to the appointment.

Removal. 7. If any person holding the position of inspector or ballot clerk of election shall in the judgment of the board of election commissioners be found not to possess the qualifications prescribed in this section, or if any inspector or ballot clerk in the judgment of said board of election commissioners shall be guilty of neglecting the duties of his office, or of any official misconduct, then such inspector or ballot clerk shall be summarily removed from office by said board, and the vacancy immediately filled by the appointment of a person having qualifications as herein required.

Preliminary appointments; publication of; objections to. SECTION 5. 1. At the time of such appointment of inspectors and ballot clerks, the board of election commissioners shall publish for one day in the official publication or publications of such cities, a full list of the names and addresses of such inspectors and ballot clerks, together with a notice stating that the persons mentioned have been provisionally appointed to act as inspectors and ballot clerks in the various precincts enumerated, for the ensuing two years, and setting forth that to their best knowledge and belief such provisional appointees possess the qualifications required by this act; also stating the political party with which each respectively is believed to be affiliated, and requesting all persons to inform the board of election commissioners as to any want of qualification on the part of any provisional appointee named in the list; also that on a day named in said notice, which shall not be more than five days after the day of publication, the board of election commissioners will sit at its office for the purpose of hearing any objections made as to the qualifications of any such provisional appointee. Said notice shall state the hours of said session, which shall be from nine to twelve a. m. and from two to five p. m., and shall further state that if all objections to the qualifications of such provisional appointees or any of them, are not disposed of on said day, the board will sit from day to day between the same hours until the cases are all determined; and further, that any provisional appointee found disqualified upon such information, will be rejected, and a duly qualified person appointed in his stead.

Hearing; on objections. 2. On the day and at the hour named for the beginning of such session, the election commissioners shall meet at their office and consider the objections made to the appointment of any such provisional appointee. The commissioners may examine under oath any person appearing before them. They shall decide each case as soon as the evidence therein is before them, and announce their decision immediately, announcing also the dissent of any commissioner, if the decision of the board is not unanimous. A minute shall be made of any such decision, setting forth all objections made against any provisional appointee and findings of the majority thereon, and of the dissenting member thereon, if there be any dissent. If all objections to such provisional appointees are not concluded on said day the commissioners shall sit from day to day, between the same hours and at the same place, until all such objections are disposed of.

Disqualified appointees rejection. 3. All such provisional appointees found to be disqualified upon such hearing shall be immediately rejected, and persons having the

necessary qualifications appointed in their places, divided between the different political parties as provided for in this act.

Final publication of appointments. SECTION 6. 1. Thirty days prior to the next succeeding primary election, the election commissioners shall cause a final publication in the official publication or publications of said city, of the names of all inspectors and ballot clerks, appropriately designated by wards and precincts in numerical order, giving the place of residence of each appointee, and any existing vacancies shall then be filled by the commissioners in their discretion, so that a full and complete list may be published at this time.

Meeting: preceding primary: notice of inability to serve. 2. It shall be the duty of all inspectors and ballot clerks, so appointed, to immediately notify the board of election commissioners, if for any unforeseen cause, occurring after the publication of said final list, he is prevented from serving. For the purpose of receiving any such information and of filling any vacancies so occurring, the board of election commissioners shall be in session during the two days next preceding the primary and election days.

Oath: filing, certificate. 3. (a) Not later than ten days succeeding the publication of said list, and after they have been duly notified of their appointment, the appointees shall file their oath of office with the board of election commissioners, and the board of election commissioners shall thereupon cause to be issued to each appointee a suitable certificate of his official character and standing.

Penalty. (b) Every person appointed as an election officer, failing to take and subscribe the oath of office as hereinbefore prescribed or who shall wilfully neglect or refuse to discharge the duties which he was appointed to perform, shall, in addition to other penalties prescribed by law, be liable to a fine not to exceed one hundred dollars, to be sued for and recovered by the board making the appointment, in a court of record, for the use and benefit of the treasury of such city.

Meeting preceding election; vacancies. 4. For the purpose of filling vacancies which may exist and of verifying or correcting addresses in the list of election inspectors and ballot clerks, the board of election commissioners shall, ninety days previous to every election succeeding the election first following the appointment of a new list of election officials under this act, cause a careful canvass of the list to be made through the agency of the police department, and it shall be the duty of the police department to make careful and correct returns of such canvass to said board.

Service as election officer mandatory; exempt for three terms. SECTION 7. (a) Service as inspector of election or ballot clerk under this act shall be mandatory upon all qualified voters so appointed, during a full period of two years, after which they shall be exempt from further service under this act until three terms of two years each, shall have elapsed; the election commissioners being charged with discretion and authority in cases of request for exemption from service as such election officers at any time.

Penalty for interference. (b) Any employer of labor who refuses to allow an employee to serve as election inspector or ballot clerk, or makes any threats or offers any inducements of any kind to such employee for the purpose of preventing such employee from serving as such inspector or clerk, shall be punished by imprisonment in the county jail or house of correction not exceeding nine months, or by a fine of not more than five hundred dollars and costs of prosecution.

Board of commissioners. SECTION 8. The board of election commissioners shall have full charge and control of the registration of voters within the city for which such board is appointed, and registration shall be made as hereinafter provided.

Registration cards: preparation, distribution; women voters. SECTION 9. 1. The secretary of the board of election commissioners shall, ninety days prior to the first election to be held after the passage of this act in cities governed by the provisions of this act, prepare a supply of registration cards, and have them distributed through the agency of the police department to every known male voter, whose name appears on the last printed list of the registry held in such cities; also to every presumptive male voter or known prospective male voter of such cities; and ninety days prior to all subsequent elections to be held, like cards shall be distributed as in this section provided, to voters not on the first registry list, and shall be collected and listed, and registry lists shall be printed and posted in the manner hereinafter provided.

2. Registration of women voters shall be made only in the years when school matters enter into an election, and shall then be made in following manner: Any woman who is entitled to vote may register at the office of the board of election commissioners within ninety days prior to, and before the last Saturday preceding a primary or an election day, by filing with said board, or by filing upon election or primary day with the inspectors of election at the booth where such woman is entitled to vote, a properly filled out registration card such as is provided for in this act, but said board shall not be required

to distribute such cards to women voters except upon application therefor. All the provisions of this act in regard to registration of male voters and to including their names in the registry books and in the registry lists shall apply to the registration of women voters so far as the same are not inconsistent with this section; provided, however, that the names of women voters shall be placed upon the registry lists in separate columns under the heading "Women Voters," in alphabetic order.

Form of registration cards. SECTION 10. Registration cards shall be printed in the form of a request to the voter to properly fill in the spaces provided for information for registration purposes, and notice shall be given thereon that, if necessary, the blanks may be filled in by some other person, except that in the space provided for the signature, the voter himself must sign his name or make his mark. The cards shall provide headings for the following entries to be made by applicants for registration:

Date.

Ward.

Precinct.

Name.

Residence.

Exact location, such as "flat No.," "upper flat," "room No.," "hall-room," "room on second floor," "basement," "rear house," or other equally definite designation of location.

Are you a citizen of the United States?

Have you lived in the state for one year or more?

Have you lived for ten days or more in this precinct?

Are you for any reason excluded from the right of suffrage?

Signature.

Such cards shall also be furnished by the secretary of election commissioners to any person applying for them either in person or by mail.

Time for distribution; return. SECTION 11. Two consecutive weeks shall be allowed for the distribution and collection of registration cards by the police department, and the cards shall be collected in the same general order as distributed, so that each voter will have approximately one week in which to fill in the blanks for the purpose of registration under this act; such cards to be returned to the secretary of the board of election commissioners.

Official registry; compilation, form. SECTION 12. Under the direction of the board of election commissioners, an official registry for each precinct shall be commenced, compiled from all cards so received, which indicate that the signers thereof are legal voters. Such official registry shall contain in book form the names and addresses of all persons shown to be legal voters by the returns made on such cards. The names of voters shall be arranged in numerical order of houses located on each street separately, commencing with the lowest and ending with the highest number within the precinct. The street shall be arranged in geographical order from east to west and north to south.

Official registry lists; printing; posting. SECTION 13. As soon as the cards received have been transcribed into said books, the board of election commissioners shall cause a sufficient number of registry lists to be printed from such official registry, not exceeding one hundred for each precinct, and shall cause to be conspicuously posted in each precinct within such city twenty-five copies thereof through the agency of the police department.

Sealed proposals for printing. SECTION 14. The board of election commissioners shall cause to be obtained from at least three persons within the county, sealed proposals for the printing of said lists, and shall award the contract therefor to the lowest competent and responsible bidder.

Meetings; registration lists. SECTION 15. The board of election commissioners shall revise and correct the first registry as prepared by them; first, by striking therefrom the name of any person known by them to have died or removed from the district where he is registered, or who shall be proved, by the oath of two electors of the district, to be not entitled to vote therein at the next ensuing election or primary election, unless such person shall appear, and, if challenged, shall make affidavit stating his name and the period of his continuous residence in the election district, and his place of residence therein, giving the number and the street of the affiant; and in case he is of foreign birth stating when he came to the United States and to this state, and the time and place when he became a citizen of the United States, and that he is entitled to vote at the election; second, by entering on the proper list for any district the name of every elector entitled to vote in that district at the next election, who shall file a registration card such as is hereinbefore provided for, properly filled in and sworn to before said secretary. In every case of a name stricken from the registry, the reason therefor shall be stated in

writing on the list opposite the name so stricken. Applications for corrections of said registry lists, or for adding thereto the names of voters, may be made at the office of the board of election commissioners during the hours such office shall be open for business from the time of publication of the preliminary lists and until the last Tuesday preceding a primary or an election. Subsequent to said Tuesday, and prior to the last Saturday preceding a primary or an election day, the board shall receive applications for registration, and shall certify to the election inspectors in the proper precincts the names of those entitled to registration received too late to be included in the registration lists, and such persons shall be considered as duly registered, and all applications for registration made to said board shall be submitted by them to the chief of police for verification of the statements contained therein.

Minor may register; when. SECTION 16. 1. Any person who is not twenty-one years of age before the date when the registry is required to be corrected, but who will be if he lives until the day of election, shall have his name put on such registry if he be otherwise qualified to be an elector.

Registration cards filed. 2. All registration cards shall be preserved by the several boards of registry and filed in the office of the board of election commissioners.

Penalty for false statement. 3. Every person registered under this act shall be subject to the same punishment for any false statement or other offense in respect thereto, as is provided in case of false statement or other offense by an elector offering to vote at an election.

Who may vote. SECTION 17. (a) After such registry lists shall have been fully completed as herein provided, no votes shall be received at any election in such cities if the name of the person offering to vote be not on the registry lists as completed, except as provided in sections 9 and 15 of this act, and as hereinafter provided in this section. Any person who has not previously filed a registration card, and whose name is not on the registry list, but who is a qualified voter in the precinct where he offers to vote, shall, nevertheless be entitled to vote at such election, provided he shall deliver to the inspectors of election a registry card properly filled out and sworn to by himself, or if he cannot obtain such a card, an affidavit containing the same statements as provided on said cards; and provided that his oath or affidavit is substantiated by the affidavit of two freeholders, electors in such precinct, corroborating all the material statements therein. The board of election commissioners shall provide a sufficient number of registration cards, with the required affidavit forms printed thereon, and shall distribute them to the election inspectors at the booths, and the inspectors shall deliver at least one such card to each voter making application therefor. No compensation shall be paid or received for taking or certifying any affidavit required by this section. No one freeholder shall be competent to make at any one election corroborating affidavits for more than five voters. All such affidavits shall be sworn to before some officer authorized by the law of this state to administer oaths.

Registration cards; preservation; filing. (b) The inspectors shall return to the board of election commissioners all registration cards filed with them, and said board shall include in the subsequent registry lists the names of the persons who file such cards, provided such persons are then entitled to be placed on the registry list.

Registration lists at judicial elections. (c) At judicial elections, in cities governed by the provisions of this act, when registration shall be required as provided in this act or at any special election held for the purpose of filling a vacancy in an office which by law is to be filled by a city election, the registration list used at the last preceding general or city election may be used; and the inspectors of election at each polling place, on the day of election, shall revise the same by adding thereto the missing names of such persons as are known to them, or as shall be satisfactorily shown in the manner provided by law, to be entitled to vote at such election, and by striking therefrom the names of such as are known to them to have died or become disqualified since the last preceding registration.

Printing and posting registry lists. SECTION 18. 1. Upon the expiration of the time prescribed for the revision and correction of the preliminary registry lists the board of election commissioners shall forthwith cause to be printed therefrom, for use at the primary election and at the final election, respectively, not to exceed one hundred copies of such complete and corrected registries of each precinct, and through the agency of the police department, shall cause twenty-five copies thereof to be conspicuously posted in separate places in each precinct.

Registry lists used as check lists; certification. 2. Six copies of such precinct registry lists shall be furnished to each inspector for each primary and final election, of which two shall be used as check lists and in lieu of poll lists, at the primary and at the final election. To this end, two inspectors at each precinct at each election shall write after the name of each voter the serial number of his vote as the same is polled, and shall hand

to each voter suitable certification slips, numbered serially, to be furnished by the board of election commissioners for this purpose. A special blank column shall be provided on the final printed registry list for this purpose; also a form of certificate setting forth that each list is a true and complete combined check and poll list of the respective precincts, which form shall be filled in and signed by the three inspectors of election in each precinct; such combined check and poll lists, duly verified, to be returned as provided by law.

Name not to be added after completion of registry; vote by affidavit. SECTION 19. After such registry shall have been fully completed on the days above mentioned, no names shall be added thereto, and no votes shall be received at any election if the name of the person offering to vote be not on the registry as completed, except as provided in section 61 of the statutes.¹

Objections; when heard. SECTION 20. Any voter may make objection before the board of election commissioners to the registration of any person. The election commissioners shall sit for the purpose of hearing such objections on the Wednesday of the first week prior to said election and primary election between the hours of nine a. m. and twelve m., and between two p. m. and five p. m., and if all such objections be not then determined it shall sit during the same hours of the next day. Such objectors shall appear in person before the commissioners on said day or days; they may be further examined by the commissioners under oath and further testimony may be taken in the premises. All cases shall be heard and decided summarily. If the board shall believe any person so objected to is entitled to registration, his name shall remain upon the registry; otherwise his name shall be removed, and the inspectors of the proper precinct notified immediately of such action. Minutes shall be kept of all objections made and action taken at such meetings.

Registries open to public inspection; challenge; naturalized applicant. SECTION 21. All registries shall at all times be open to public inspection, and any voter shall have the right to challenge any applicant who applies to be registered, but such voter shall be examined under oath, touching the cause for such challenge; judgment in each case to rest with the board of registry and to be rendered as soon as heard. In the case of a naturalized applicant the board of registry may require him to show his naturalization certificate.

Election officers; exemption from jury duty. SECTION 22. Any person not regularly appointed by the board of election commissioners, but who shall duly serve as inspector or ballot clerk at any election because appointed to fill vacancy at the polling place, shall be exempt from jury service for six months thereafter.

Authority; powers and duties of election commissioners. SECTION 23. The board of election commissioners shall have power and authority to provide election booths, to fix and determine the places at which all elections within such city shall be held, and to fix and determine the boundaries of election districts or precincts within the limits prescribed by law, and the location of the voting booths therein, and shall have the custody of and control over all voting booths and voting machines, and the common council and the various departments of the city shall cooperate with the board to furnish available space and men and means for the storage of booths and machines, and for setting up and transporting the same, and said board may arrange with any officer, ward or department having charge of any public buildings, for the use of school buildings and other public buildings for voting purposes. Said board of election commissioners shall perform such duties and have such authority as have been heretofore required by law to be performed by, or has been vested in the board of canvassers for city primaries, the common council or the city clerk in relation to the conduct of and control over elections within such city, except as otherwise provided in this act.

Voting machines. SECTION 24. The board of election commissioners may provide that the official voting machines may be used for the purpose of voting on all candidates and questions at any election or primary, whether or not the names of such candidates or questions are required by law to be placed upon separate ballots; provided, that where the law requires the names of candidates or questions to be placed upon separate ballots, such names and questions shall be placed in separate columns upon the voting machines, and the machines shall be so arranged that a separate vote can be cast for such candidates and questions.

Election commissioners shall be board of canvassers. SECTION 25. The board of election commissioners shall be the board of canvassers of the primary election returns for such city, and shall perform all the duties in regard to the canvass of votes for city officers and upon city questions that are required by law to be performed by any city officers or the chairmen of party committees except such as are required by law to be per-

¹ See page 68.

formed by the election inspectors, and shall issue certificates of nomination and election to such persons as the canvass shall show are entitled to the same.

Compensation of commissioners. SECTION 26. The commissioners of election shall receive such salaries as the common council of each city shall determine.

Compensation of election officers. SECTION 27. The inspectors and ballot clerks shall receive the same compensation provided in section 94h of the statutes, and any amendments now or hereafter made thereto.

Majority vote required. SECTION 28. The act of a majority of such board of election commissioners shall be considered as the act of said board of election commissioners.

Commissioners to have control and direction of election officers. SECTION 29. It is hereby made the duty of the commissioners of election, in each city to which this act applies, to furnish printed instructions to inspectors and ballot clerks, defining their duties and the law governing elections, and said commissioners of election are hereby empowered and required to have general supervision of all elections under this act and to see that such elections are conducted according to law. Any of such inspectors and ballot clerks failing to perform such duties prescribed as aforesaid shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not more than thirty days.

Removal of commissioners. SECTION 30. The said commissioners of election appointed by the mayor may be removed upon proof of official misconduct or negligence, and said commissioners may appeal to the common council within ten days after removal, and the common council may conduct a hearing by a committee in such manner as may be determined by it, and report the same to the common council, who shall determine the question on such appeal.

Duty of city departments. SECTION 31. It shall be the duty of all officers and departments of cities governed by the provisions of this act to cooperate with the board of election commissioners so as to carry out the provisions of this section.

Act to be liberally construed. SECTION 32. This act shall be liberally construed so that its purpose may not be defeated by any informality, or failure to comply with the several provisions in respect to either the giving of notices or the conduct of the registrations or keeping within the exact periods of time stipulated herein.

Penalty for neglect of duty. SECTION 33. Any public officer who shall wilfully fail or neglect to perform any duty imposed upon him by the provisions of this act, or knowingly make any false certificate in respect to such duty, or to any matter to which he may be required by law to officially certify, shall be punished by imprisonment in the county jail not exceeding nine months, or by fine of not more than five hundred dollars and the costs of prosecution.

CITIZENSHIP.

Native born persons. (Sec. 1992, R. S. of U. S.) All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

Children born abroad. (Sec. 1993, R. S. of U. S.) All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

Married women. (Sec. 1994, R. S. of U. S.) Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized shall be deemed a citizen.

Persons born in Oregon. (Sec. 1995, R. S. of U. S.) All persons born in the district of country formerly known as the territory of Oregon, and subject to the jurisdiction of the United States on the eighteenth of May, one thousand eight hundred and seventy-two are citizens in the same manner as if born elsewhere in the United States.

Forfeiture of rights. (Sec. 1996, R. S. of U. S.) All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost marshal within sixty days after the issuance of the proclamation by the president dated the eleventh day of March, one thousand eight hundred and sixty-five are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

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Sec. 11-4. COUNTY CLERK'S NOTICE OF PRIMARY.

Notice of Primary Election.

STATE OF WISCONSIN,)
County of —,) ss.

County Clerk's Office.

Notice is hereby given that a primary election will be held in the several towns, villages, wards and election precincts of said county on the — day of September, 191—, for the purpose of nominating candidates for the following — offices to be voted for at the general election to be held on the — day of November, 191—.

County Clerk.

(Here give list of offices.)

Dated this — day of —, 191—.

Sec. 11-4. TOWN, CITY OR VILLAGE CLERK'S NOTICE OF PRIMARY.

Notice of Primary Election.

County of —, Town, Village or City of —.

Town, Village or City Clerk's Office.

Notice is hereby given that a primary election will be held at (the town or village hall or at the regular polling places in each precinct) in said — — on the — day of — 191—, for the purpose of nominating candidates for the following offices to be voted for at the general election to be held on the — day of —, 191—.

(Here give list of offices.)

Notice is further hereby given that the polls of said primary will be open from — in the morning until — in the evening.

Town, City or Village Clerk.

Dated this — day of —, 191—.

Sec. 11-5. DECLARATION OF CANDIDATE FOR NOMINATION.

I, —, having been duly nominated by members of the — party of the — of —, as a candidate for nomination for the office of — at the primary election to be held in the several towns, villages, (If for city office omit words "towns, villages.") wards and election precincts of said — on the — day of —, 191—, do hereby declare that if nominated and elected to the office of —, I will qualify as such officer.

Sec. 11-7. COUNTY CLERK'S LIST OF CANDIDATES.

STATE OF WISCONSIN,)
County of —,) ss.

I, —, county clerk of said county of —, do hereby certify that the following is a list of the names of all persons for whom nomination papers have been filed in the office of the secretary of state, as certified to me by the secretary of state, and of all persons for

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whom nomination papers have been filed in my office, and who are entitled to be voted for at the primary election to be held in the several towns, villages, wards and election precincts of said county, on the — day of September, 191—.

State Officers.	Democratic.		National Republican.		Prohibition.		Republican.		Social Democratic.		Non-partisan.	
	Name.	Address.	Name.	Address.	Name.	Address.	Name.	Address.	Name.	Address.	Name.	Address.
Governor.....												
<i>Here give the other officers in like manner.)</i>												

The said primary election will be held at the regular polling places in each precinct and the polls will be open from — o'clock in the morning until — o'clock in the evening.

In testimony whereof, I have hereunto set my hand and affixed my official seal at this — day of —, A. D. 191—.

County Clerk.

Sec. 11-7. LIST OF CANDIDATES POSTED BY TOWN, VILLAGE AND CITY CLERKS.

List of Candidates.

COUNTY OF —,)
— of —) ss.

I, —, clerk of said — of —, do hereby certify that the following is a list of the names of all persons for whom nomination papers have been filed in the office of the secretary of state and in the office of the county clerk of said county of —, as certified to me by the said county clerk, and who are entitled to be voted for at the primary election to be held in — on the — day of —, 191—.

State Officers.	Democratic.		National Republican.		Prohibition.		Republican.		Social Democratic.		Non-partisan.	
	Name.	Address.	Name.	Address.	Name.	Address.	Name.	Address.	Name.	Address.	Name.	Address.
Governor.....												
<i>Here give the other officers in like manner.)</i>												

The said primary election will be held at the (town or village hall) (or at the regular polling places in each precinct), and the polls will be open from — o'clock in the morning until — o'clock in the evening. (Where municipality is divided into election precincts designate the location of each precinct.)

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In testimony whereof I have hereunto set my hand at — this — day of —, A. D. 191—.

Town, City or Village Clerk.

Sec. 11-12. NOMINATION OF INSPECTORS OF ELECTION, ETC.

I, A. B., Mayor of the city of — (or president of the village —), do hereby nominate to the common council of said city (or to the board of trustees of said village) the following named persons to be inspectors of election, clerks of election and ballot clerks, respectively, in the several election districts of said city or village, to-wit:

For District No. 1, composed of the First ward (or otherwise as districts may be numbered or constituted),

C. D. -

E. F. -

G. H.

For Inspectors of Election,

I. J. -

K. L.

For Clerks of Election,

M. N. -

O. P.

For Ballot Clerks,

For District No. 2, composed of the Second ward (or otherwise), etc. (Here give names as above and so on to the end.)

Dated —, 191—.

Mayor (or President.)

Sec. 16. FORM OF ORDER DIVIDING TOWN INTO TWO OR MORE ELECTION DISTRICTS.

WHEREAS, the undersigned, town board of the town of —, deem it more convenient for the electors of said town that there should be two (or more) election districts therein at the general (or special) election to be held in said town on the — day of —, 191—; Now, therefore, it is ordered that said town be, and is hereby divided into two (or more) election districts, to be known as Election District Number One, and Election District Number Two, of the town of — as follows: (specifying boundaries of each district); that the polls in said District Number One shall be held at —, and that A. B., C. D. and E. F. shall, if present, act as inspectors of election at such polls, and G. H. and I. J. as clerks of election, and K. L. and M. N. as ballot clerks; that the polls in said District Number Two shall be held at —, and that G. H., I. J. and L. M. shall, if present, act as inspectors thereof (and so continue for each district, designating place and election officers.)

Given under our hands this — day of —, 191—.

Town Board of Supervisors.

Sec. 16. FORM OF ORDER DIVIDING ELECTION DISTRICTS WHEN 600 OR MORE VOTES ARE CAST THEREIN.

WHEREAS, it appears from the election returns that six hundred votes (or more) were cast in Election District No. — in the — ward of the city of — (or in the village or town of —); Therefore Resolved, that the said Election District be and the same hereby is divided into two (or three) election districts to be known as Election District

The form above given can be adapted to the second provision by substituting for the words "deem it more convenient for the electors of said town," the words "have been petitioned by fifty or more electors of said town, to divide said town into — election districts."

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Number 1 of the — ward of — (or of the village or town of —) with boundaries as follows: (*here specify boundaries*); Election District No. 2 of the — ward (or of the village or town of —) with boundaries as follows: (*here specify boundaries*); that the polls in said District Number 1 shall be held at (*specify where*) and that A B, C D and E F shall, if present, act as inspectors of election at such polls, and H I and J K as clerks of election, and L M and N O as ballot clerks (*and so on as to other districts*).

Sec. 21. COUNTY CLERK'S NOTICE TO TOWN AND VILLAGE CLERKS AND INSPECTORS OF ELECTION IN WARDS AND CITIES.

General Election Notice.

— — County Clerk's Office, — —, 191—.

Sir:—A general election is to be held in the several towns, wards, villages and election districts, in said county, on the Tuesday next succeeding the first Monday, being the — day of — November, 191—, at which are to be elected the officers specified herein in accordance with the substance of a notice received from the secretary of state; also a member of assembly in place of — —, whose term of office will expire on the second Wednesday in January, 191— (*in counties comprising more than one assembly district notice should read*): A member of assembly in the first assembly district, comprising the towns, wards, etc., of (*here enumerate towns, wards, etc.*) in place of — — (*and so of each district in the county*) whose several terms of office will expire, etc. (*When county officers are to be elected, they also must severally be named in a similar manner.*)

— —
County Clerk.

To — —, (town or village clerk, or inspector of election in the — ward of city of —, as the case may be.)

[If a constitutional amendment or other question is to be voted on the notice should contain so much thereof or such notice concerning it as the law providing for the submission of the question requires.]

Sec. 22 NOTICE BY TOWN OR VILLAGE CLERK OR INSPECTORS OF WARDS.

General Election Notice.

COUNTY OF —, }
Town of —, } ss.

Notice is hereby given that the ensuing general election, at which are to be elected the following officers, to-wit: (*here give the substance of the notice received from the county clerk*), will be held at —, in the town (*or village*) of — or — ward of —, on the — day of November next, and that the polls of said election will be open at nine o'clock in the forenoon and closed at sundown on that day.

Dated —, 191—.

— —
Town or village clerk, or
.
.
.
— —
Inspectors,
as the case may be.

(Time for opening and closing polls, see section 49.)

Sec. 27. APPLICATION FOR REGISTRATION.

STATE OF WISCONSIN, }
County of —, } ss.

— —, being duly sworn, upon his oath deposes and says that his name is — —, and that he resides at No. — Street, City of —, in said county and state; that he has resided, continuously, in the state of Wisconsin at least one year and in the — precinct of the — ward of the city of —, at least ten days, next preceding this date;

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that he is 21 years of age and a citizen of the United States; that he is entitled to vote in said precinct at the next ensuing general election, and hereby makes application to be registered as a voter therein.

Subscribed and sworn to before me, this _____ day of _____, A. D. 191—.

Notary Public.

NOTE: After December 1, 1912 only full citizens can vote. Before that date only foreigners who took out first papers prior to December 1, 1908, can vote.

Sec. 30. INDEPENDENT NOMINATION PAPER.

The undersigned qualified electors and voters of the (state, county, district or city) hereby make the following nomination for the office of _____.

- Name of Candidate: _____
- Office for which nominated: _____
- Business of Nominee: _____
- Residence: _____
- Post Office Address: _____
- Principle Represented: _____

Signature of Voters.	Residence.		Date of signing.
	City, village, town.	Street No. P. O. address in towns.	

STATE OF WISCONSIN,) ss.
County of _____,)

Personally came before me this _____ day of _____, A. D. 191—, _____ who, being first duly sworn, on oath says that he resides in and is a qualified elector of _____ (name of election district) in the (town, village or city of _____) that he is personally acquainted with each and all persons who have signed the foregoing nomination paper, that they and each of them are electors, and that their residence and place of business are truly stated in said nomination paper.

Affiant further says that he is not a nominee in such paper, nor a candidate for any office to which it is intended as a nomination paper.

Subscribed and sworn to before me this _____ day of _____, A. D. 191—.

Notary Public, _____ County, Wis.

NOTE: This affidavit may be sworn to before any officer authorized to administer oaths.

Sec. 31. DECLINATION OF NOMINATION.

I, _____, of the _____ of _____ in the county of _____ and state of Wisconsin, having been duly nominated by the _____ party to the office of _____ of said _____ to be voted for at the election to be held in said _____ on the _____ day of _____, A. D. 191—, do hereby decline such nomination.

In witness whereof I have hereunto set my hand this _____ day of _____, A. D. 191—.

STATE OF WISCONSIN,) ss.
County of _____,)

Personally came before me this _____ day of _____, 191—, the above named _____, to me known to be the person who executed the foregoing declination of nomination, and acknowledged the same.

Notary Public, _____ County, Wis.

(Or any officer authorized to take acknowledgments.)

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Sec. 34. CERTIFICATE OF NOMINATION TO FILL VACANCY.

We, ———, and ———, respectively, chairman and secretary of the ——— committee of the ——— party in the state of Wisconsin, do hereby certify that by reason of ——— a vacancy has been caused and now exists in the nomination to ——— office heretofore made by the ——— party, to-wit: the office of ———.

Therefore, by virtue of the powers delegated to it, the committee representing said party in said ——— does hereby make the following nomination to said office to fill such vacancy.

Name of Candidate. <i>(Give christian name in full. Middle name, if any, may be by initial letter.)</i>	Office for which nominated.	Business or vocation.	Residence. <i>(Give street and number, if any.)</i>	Party or political principle represented expressed in not more than five words.
.....
.....

Dated ———.

—————,
Chairman.
Business ———.
Residence ———.
Street and number ———.
—————,
Secretary.
Business ———.
Residence ———.
Street and number ———.

STATE OF WISCONSIN, }
County of ———, } ss.

The undersigned, ———, chairman, and ———, secretary of ———, referred to in the foregoing certificate, being severally duly sworn, on oath, say that they are respectively the chairman and secretary aforesaid, and that the foregoing certificate and the statements therein contained were by them signed, and are true to the best of their knowledge and belief.

—————,
—————,
Subscribed and sworn to before me this ——— day of ———, A. D. 191—.
Notary Public, ——— County, Wis.

NOTE.—This affidavit may be sworn to before any officer authorized to administer oaths.

Sec. 46. APPOINTMENT OF CHALLENGERS.

To ———,
(residence) ———.

Pursuant to law I hereby appoint you as agent or challenger to represent the ——— party (or me as a candidate for the office of ———) at election district number ———, in the township of ——— (or in the town of ——— or in the ——— ward of the city or village of ———, giving number of precinct if ward is divided), and county of ———, on the ——— day of ———, 191—. If said ———, of ———, cannot so serve or shall be absent for any part of said day from the polling place, I hereby appoint ———, of ———, in his stead.

—————, Chairman of ——— committee of ———,
or candidate for the office of ———.

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Sec. 46. PERMIT TO AGENT.

— — having presented to me a paper under the hand of the chairman of the — — committee of the — —, of the — — county (or under the hand of — — — — a candidate for the office of — —) appointing him as agent or challenger to represent the — — party (or the said person as a candidate for said office) at election district number — —, in the township of — — (or in the town of — — or in the — — ward of the city or village of — —, giving the number of precinct if ward is divided), and county of — —, he, the said — —, is hereby permitted to act as such agent or challenger at the election on the — — day of — —, 191—.

Witness my hand this — — day of — —, 191—.

— — — —,
Clerk of — —.

[The above form can be readily adapted to the case of a substitute or alternate.]

Sec. 48. FORM OF OATH OF INSPECTORS, CLERKS AND BALLOT CLERKS

Oath of Inspectors, Clerks or Ballot Clerks.

Of the — — of election, held in the — — of — —, county of — —, on the — — day of — —, A. D. 191—.

STATE OF WISCONSIN,)
— — County,) ss.

I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will perform the duties of clerk (or inspector or ballot clerk) of election according to law, and will studiously endeavor to prevent all fraud, deceit or abuse in conducting the same, according to the best of my ability.

— — — —, *Inspector (Clerk or Ballot Clerk).*

Subscribed and sworn to before me, this — — day of — —, A. D. 191—.

— — — —, *Justice of Peace (or Notary Public, etc.)*

Sec. 49. PROCLAMATION OF OPENING POLLS.

Hear ye! Hear ye! Hear ye! The polls of this election are now open.

OF ADJOURNMENT.

Hear ye! etc. The polls of this election are closed for one hour.

TO BE MADE ONE HOUR BEFORE FINAL CLOSING.

Hear ye! etc. The polls of this election will finally close at five o'clock.

OF CLOSING.

Hear ye! etc. The polls of this election are now closed.

Sec. 49. PETITION FOR EXTENDING THE TIME OF OPENING AND CLOSING OF POLLS.

To the city council of the city of — — (or town board of the town of — —, or village board of the village of — —).

We, the undersigned, being at least twenty voters of the city of — — (or town of — —, or village of — —), county of — —, do hereby petition that the time during which the polls shall remain open at the September primary, (or regular election) to be held

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at — on the — day of — 19—, be extended to open at the hour of — o'clock A. M. and close at the hour of — o'clock P. M. on said day.

(Signatures of at least twenty voters.)

Filed this — day of — 19—,

City clerk
(or Town clerk,
or Village clerk.)

Sec. 61. AFFIDAVIT OF NON-REGISTERED ELECTOR.

STATE OF WISCONSIN,)
County of —,) ss.

—, being first duly sworn, on oath deposes and says, that he resides at No. — street, in the city of —, county of —, state of Wisconsin, and that he has resided in the — precinct of the — ward of said city for ten days and in the state of Wisconsin for one year next preceding this date; that he is twenty-one years of age, a citizen of the United States and is entitled to vote in said election precinct.

Subscribed and sworn to before me,
this — day of —, A. D. 191—.

Notary Public.

Sec. 61. AFFIDAVIT OF FREEHOLDER.

STATE OF WISCONSIN,)
County of —,) ss.

— and —, being each severally and duly sworn, each for himself deposes and says, that he is a freeholder and elector in the — precinct of the — ward of the city of —, county of —, state of Wisconsin; that he is personally acquainted with —, the above affiant, whose name appears subscribed to the foregoing affidavit; that he knows of his own knowledge that said affiant has resided in this state for one year and within such election district ten days next preceding this date, and that said affiant now resides at No. — street in said election district; that said affiant is a qualified elector of said election district, and that the statements of the said affiant in his foregoing affidavit, are true.

Subscribed and sworn to before me,
this — day of —, A. D. 191—.

Notary Public.

NOTE: This form takes the place of old Forms C, D, E and F.

Sec. 75. FORM OR ORDER OF ARREST.

COUNTY OF —,)
Town of —,) ss.

The State of Wisconsin to any constable of the county of — (or to C. D.):
Whereas, at the present election in the town of —, in said county, G. H. does refuse to obey the lawful commands of the undersigned, inspectors of said election, the said commands being (here set out the same — or) G. H. in the presence (or, in the hearing) of the undersigned, inspectors of such election, does, by disorderly conduct, to-wit: by (loud noises or by commencing an affray with divers persons, etc., as the case may be), interrupt or disturb the proceedings of the said inspectors, in conducting such election.

FORMS.

You are therefore, hereby ordered forthwith to arrest the said G. H. and him safely take into custody during this election.

Given under our hands this — day of —, 191—.

I— J—,
 K— L—
 M— N—,
Inspectors of Election.

Sec. 76. COUNTING OF BALLOTS.

Such as are called regular tickets are usually first separated from the irregular, scratched or altered ones; each kind placed by itself and counted and the number received of each person for the same office set down opposite his name upon a tally sheet *previously prepared*, thus:

FOR GOVERNOR.

[Sample Tally Sheet.]

Q. R.	80	/// /// /// ///	= 20	.....	100
S. T.	50	/// /// ///	= 15	.....	65
Whole number for Governor					165

FOR LIEUTENANT GOVERNOR.

U. V.	72	/// /// /// ///	= 18	.....	90
W. X.	58	/// /// ///	= 15	.....	73
Whole number for lieutenant governor					163

Sec. 77. PROCLAMATION OF RESULT.

Hear ye! hear ye! hear ye! The whole number of votes given for the office of —, found in the box just canvassed was —; of which number — received —, and — received —, for said office (*and so on in the same manner, with all the officers voted for at such election*); also (*give the number of votes given for and against each proposition voted on.*)

Sec. 77. INSPECTORS' STATEMENT OF CANVASS.

Statement of the result of a general election held in and for the town of (*or village*) of — (*or — election district of the town, village or ward of, or of the — ward of the city of —*), in the county of — on the — day of November, in the year 191—, made by the inspectors of election in and for said town (*or village or election district or ward, to-wit*):

The whole number of votes given for the office of governor was — of which — received —, and — received — (*and in like manner for each officer voted for at such election, and the number of votes given for and against each proposition voted on.*)

We certify that the foregoing statement is correct in all respects.

— —,
 — —,
 — —,
Inspectors.

Dated November —, 191—.

FORMS.

STATE OF WISCONSIN,)
County of _____) ss.

We, _____ and _____, do hereby certify that we were inspectors of election in and for the _____ precinct (or the _____, ward of the city of _____, or the village of _____), in the _____ of _____, in the county of _____ and state of Wisconsin, held thereat on the _____ day of _____, A. D. 191—. That we are respectively members of the _____ and _____ parties, the two political parties which cast the largest vote in the said precinct or polling place at the latest preceding general election. That _____ and _____, two inspectors representing each of the two political parties which cast the largest vote at the last preceding general election in the said precinct or polling place have separately canvassed all the ballots east at said election in said precinct or polling place, and we hereby severally certify that the canvass thereof was duly and legally made and that the result of said canvass is correctly set forth in the within statement to which our names are subscribed.

Dated _____,

Inspectors of Election.

Votes cannot be returned as scattering by inspectors.

Sec. 80. STATEMENT OF DEFECTIVE BALLOT.

At a general (or special) election held at (give election district) on the _____ day of _____ 191—, the undersigned inspectors of such election determined that the following ballots were so defective that the same should not be canvassed in whole or in part, to-wit: (Here give the contents of each ballot, stating whether excluded wholly from the canvass, or only in part, and if the latter, stating what part was canvassed and what part was not canvassed.)

We hereby certify that the foregoing statement is in all respects correct.

Inspectors.

The above must be in duplicate.]

Sec. 82. SPECIFICATION BY COUNTY CANVASSERS OF DEFECTS IN RETURNS, AND MANDATE TO CORRECT THEM.

To the Inspectors of Election of _____:

The undersigned board of county canvassers of the county of _____, having found the election returns made by you so informal or incomplete that the board cannot intelligently canvass them, herewith hand them to you by _____, our messenger. The said returns are informal and (or) defective in the following particulars (specify informalities or defects).

And we hereby command you to forthwith complete the same in the manner required by law, and deliver them to said messenger.

Board of County Canvassers.

Dated at _____, this _____ day of _____, 191—.

Sec. 84. CERTIFICATE OF DETERMINATION OF PERSONS ELECTED.

STATE OF WISCONSIN,)
County of _____) ss.

We, _____, county clerk, _____, (giving official title, and _____, giving official title) in and for said county, constituting the board of county canvassers for said county, do hereby certify that we have determined that the within named _____ is duly elected to the office of _____ and that _____ is duly elected to the office of _____ (continuing according to the facts).

FORMS.

Given under our hands at the office of the county clerk at —, this — day of —, 191—.

_____,
County Clerk.

_____,
_____.

Board of County Canvassers.

Sec. 85. CERTIFICATE OF ELECTION.

STATE OF WISCONSIN,)
County of —,) ss.

I, —, county clerk of said county, do hereby certify, that at the general election held in the several towns (villages and wards, *if there is a village or city in the county*) in said county on the — day of November, 191—, A— B— was by the greatest number of votes elected a state senator (*or member of assembly or sheriff, or any other officer as the case may be*), for said county of —. [*If the officer is required to give a bond add a statement of the amount thereof as fixed by law, or by the action of the county board.*]

Given under my hand and official seal at —, this — day of —, 191—.

[OFFICIAL SEAL]

_____,
County Clerk.

Sec. 85. STATEMENT TO BE TRANSMITTED BY THE COUNTY CLERK TO THE SECRETARY OF STATE.

To the Secretary of State:

Statement of the members of the legislature and county officers elected in the county of —, state of Wisconsin, at the general election held on Tuesday next succeeding the first Monday, being the — day of November, A. D. 191—.

STATE SENATOR.

Senate district, No.
Name of senator Politics
Residence P. O. Address

MEMBERS OF ASSEMBLY.

Assembly district, No.
Name of member Politics
Residence P. O. Address

COUNTY OFFICERS.

Sheriff —.

Treasurer —.

(Give the offices and names of persons elected to fill the same.)

STATE OF WISCONSIN,)
County of —,) ss.

I, —, county clerk of said county, do hereby certify that the foregoing statement is correct.

Given under my hand and official seal at —, this — day of —, 191—.

[OFFICIAL SEAL]

_____,
County Clerk.

FORMS.

Sec. 783. REQUEST THAT THE PLACE OF HOLDING ANNUAL TOWN MEETING BE DECIDED BY BALLOT.

The undersigned, electors of the town of —, in the county of —, state of Wisconsin, hereby request that the place of holding the annual town meeting be decided by ballot, at the annual town meeting therein to be held on the — day of —, 191—.

Dated this — day of —, 191—.

— —,
(Signatures.)

Sec. 783. NOTICE TO BE GIVEN BY TOWN CLERK.

To the electors of the town of —, county of —, state of Wisconsin:

The written request therefor of twelve (or more) electors of said town having been duly filed with the town clerk thereof, notice is hereby given that the place of holding the annual town meeting of said town will be decided by ballot at the annual town meeting to be held therein on the — day of —, 191—.

Dated this — day of —, 191—.

— —, Town Clerk of the Town of —.

Sec. 783a. NOTICE OF VOTE ON CHANGE OF PLACE OF HOLDING TOWN MEETING.

To the Electors of the Town of —, in — County, Wisconsin:

COUNTY OF —, }
Town of —, } ss.

Notice is hereby given that the town board of said town has, by resolution, provided that the question of changing the place for holding the town meetings of said town be submitted to vote at the next regular town meeting thereof, to be held at —, in said town, on the first Tuesday of April, 191—; and that such board has, by resolution, designated — (*here describe in the language of the resolution, the place designated therein*) as the place at which such meetings shall in the future be held if a majority of the ballots to be cast at the meeting on said first Tuesday in April shall be in favor of such place. The form of ballot to be cast at such election is described in section 2, chapter 338, laws of 1899.

Dated this — day of —, 191—.

— —, Town Clerk of said Town.

Sec. 792. ORDER OF RECEIPTS TO TAKE DISORDERLY PERSON INTO CUSTODY.

COUNTY OF —, }
Town of —, } ss.

The State of Wisconsin to any constable of the County of — (or to C. —D):

Whereas, at the town meeting of the town of —, now in progress, this — day of —, 191—, A— B— has conducted himself in a disorderly manner (*state in what regard*), and after notice thereof from the chairman has persisted therein, and having been ordered by said chairman to withdraw from said meeting, has refused so to do: You are therefore hereby ordered forthwith to take him, the said A— B—, into custody until the said meeting shall be adjourned.

Given under my hand this — day of —, 191—.

— —, Chairman Town Board of Town of —.

FORMS.

otherwise, and who was the last incumbent, and in addition, where vacancy is in office of justice of the peace, state at what time the legal term of office will expire); a request for such meeting having been duly made to me in writing, by twelve qualified voters of said town, specifying as aforesaid the objects for which such meeting is to be held. (If the meeting is for the purpose of filling vacancies, add: The polls of the election will be opened between the hours of nine and ten o'clock in the forenoon, and closed at five o'clock in the afternoon.)

Dated — 191—.

_____,
Town Clerk, of the Town of _____.

Sec. 805. STATEMENT BY INSPECTORS OF RESULT OF ELECTION AT TOWN MEETING.

The following is a true and correct statement of the result of an election at a town meeting held at _____, in the town of _____, in the county of _____, on the _____ day of _____, A. D. 191—, setting forth the whole number of votes given for each office, the names of the persons for whom such votes were given, and the number of votes given for each person.

The whole number of votes given for chairman of supervisors was _____, of which A— B— received _____, and C— D— received _____. The whole number of votes given for supervisors was _____, of which E— F— received _____, G— H— received _____, I— J— received _____, K— L— received _____.

[Continue giving the number of votes for each office, and the number received by each person for such office, using words, not figures, to express such numbers.]

Inspectors.

Sec. 832. STATEMENT OF TOWN OFFICERS ELECTED TO BE TRANSMITTED BY TOWN CLERK TO COUNTY CLERK.

To _____, County Clerk:

The following is a statement of all town officers elected in the town of _____, county of _____, at the annual town meeting of said town on the _____ day of _____, 191—.

Supervisors

_____, Chairman. Post Office Address _____,
_____,
_____.

Town Clerk _____.

(Give a list of all the officers elected, and give the post office address of chairman, town treasurer, assessor and town clerk.)

I hereby certify that the foregoing statement is true.

Dated this _____ day of _____, 191—.

_____, Town Clerk.

Sec. 832. NOTICE TO COUNTY TREASURER OF APPOINTMENT OF TOWN TREASURER.

To _____, County Treasurer:

Sir:—You are hereby notified that on the _____ day of _____, 191—, A— B— was appointed by the town board treasurer of the town of _____, county of _____, and that his post office address is _____.

Dated this _____ day of _____, 191—.

_____,
Town Clerk.

FORMS.

Sec. 832. NOTICE BY TOWN CLERK TO CLERK OF CIRCUIT COURT OF ELECTION OF JUSTICE OF THE PEACE.

To ———, clerk of the circuit court of ——— county:

You are hereby notified that at a town meeting held in the town of ———, in said county, on the ——— day of ———, 191—, the following named persons were elected to the office of justice of the peace of said town, and for the terms set opposite their names, to-wit:

————, ——— years,
————, ——— years,
————, ——— years,

the last named to fill vacancy in place of ———, last incumbent, who has resigned (or otherwise).

Dated at ———, this ——— day of ———, 191—.

————,
Town Clerk.

NOTE.—Notice of appointment of justices may be given, adapting the above form accordingly.

Sec. 832. NOTICE BY TOWN CLERK TO CLERK OF THE CIRCUIT COURT OF ELECTION OR APPOINTMENT OF CONSTABLE.

To ———, clerk of the circuit court of ——— county:

You are hereby notified that on the ——— day of ———, 191—, A—— B—— was chosen (or appointed) a constable in and for said town of ———, in the county of ——— and that said A—— B—— has qualified as such constable.

Dated at ———, this ——— day of ———, 191—.

————,
Town Clerk.

Sec. 832. NOTICE BY TOWN CLERK TO CLERK OF CIRCUIT COURT OF RESIGNATION OF JUSTICE OF THE PEACE.

To ———, clerk of the circuit court of ——— county:

You are hereby notified that on the ——— day of ———, A. D. 191—. A B resigned his office as justice of the peace in and for said town of ———, in said county, and that his resignation has been accepted.

Dated this ——— day of ———, 191—.

————,
Town Clerk.

Sec. 845. TEMPORARY APPOINTMENT OF JUSTICE OF THE PEACE TO FILL VACANCY.

Whereas, The office of justice of the peace of the town of ———, county of ———, Wisconsin, has become vacant by the death (or resignation as the case may be) of A—— B——, late incumbent thereof; or, whereas A—— B——, a justice of the peace of the town of ———, has become permanently unable to perform his official duties by reason of (state disability); we, the undersigned town board of said town do hereby appoint ——— temporarily to such office, to hold it until it shall be filed by election.

Given under our hands this ——— day of ———, 191—.

————,
————,
————,
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